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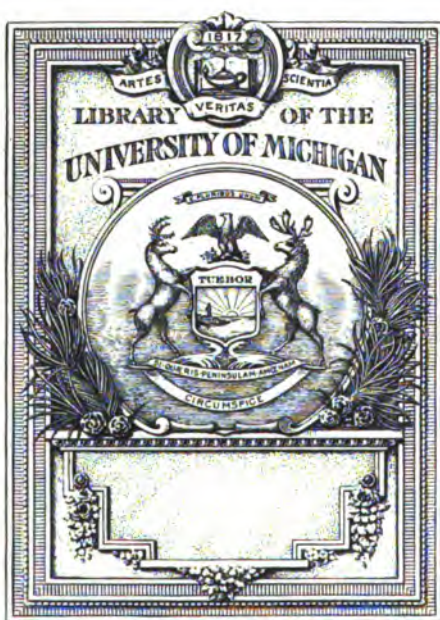
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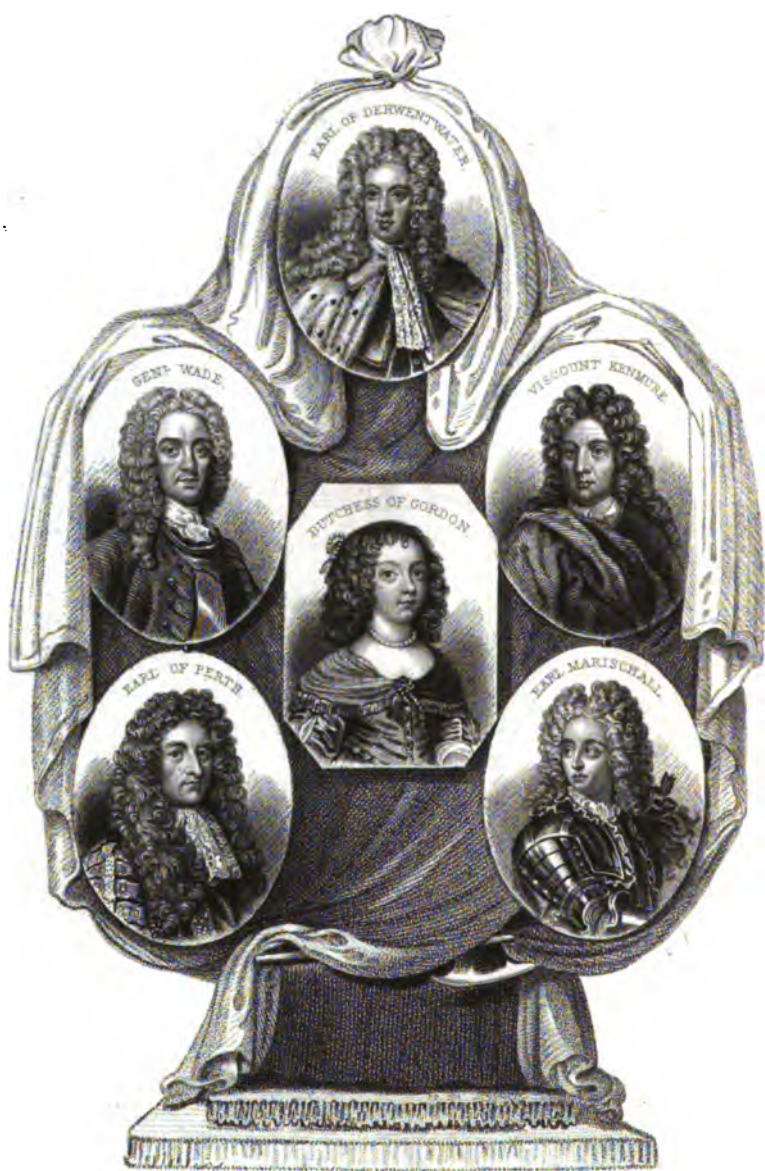


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HISTORY OF SCOTLAND.



*Published by Blackie, Fullarton & Co Glasgow
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THE HISTORY OF THE

SCOTCH

AND THE

REVENUE

OF THE

BY JOHN

IN TWO VOLUMES

VOL. I

GLASGOW,

PUBLISHED BY BLACKIE, FULLARTON, & CO.

101, N. B. STREET,

AND A. FULLARTON & CO., 101, N. B. STREET,

GLASGOW.

1857.



THE
HISTORY OF SCOTLAND,
FROM
THE UNION
TO THE
ABOLITION OF THE HERITABLE JURISDICTIONS
IN
MDCCXLVIII.

TO WHICH IS SUBJOINED,
A REVIEW OF ECCLESIASTICAL AFFAIRS, THE PROGRESS OF SOCIETY,
THE STATE OF THE ARTS, &c. TO THE YEAR MDCCCXXVII.

BY JOHN STRUTHERS.

IN TWO VOLUMES.
VOL. I.

GLASGOW:
PUBLISHED BY BLACKIE, FULLARTON, & CO.,
EAST CLYDE STREET;
AND A. FULLARTON & CO., BLAIR STREET,
EDINBURGH.

1827.

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TO
THE KING.

SIRE,

THE History of Scotland since her Union with the Kingdom of England, being little else than a detail of those machinations by which the enemies of Civil and Religious Liberty have attempted, first, to prevent the accession of your MAJESTY'S illustrious House, and, latterly, to eject it from the Throne of Britain—that Throne which you now occupy with so much honour to yourself, and satisfaction to your People,—seems, if written with candour and truth, most naturally to claim your MAJESTY'S protection. How far these attributes characterize the following work, it is not for me to say. I can, however, truly affirm, that in composing it I have unweariedly endeavoured to exercise the former, and fearlessly to follow the latter. Such as it is, I beg leave to lay it at your MAJESTY'S feet, humbly hoping that it will be accepted as a small tribute of respectful loyalty, from

SIRE,

Your most devoted Subject,

and humble Servant,

16, *Monteith Row,*
GLASGOW, FEB. 1ST, 1828. }

JOHN STRUTHERS.

ADVERTISEMENT.

For this attempt to illustrate a neglected portion of Scottish history, it is presumed that no apology will be necessary; and for the manner in which it is executed, should it be found remarkably defective, it is probable none would be accepted. Waving, therefore, every thing like prefatory remark, the author begs leave merely to state, that his great object throughout has been to unite perspicuity with impartiality, which he regards as the principal excellency of historical composition. He does not, however, pretend to that kind of impartiality which consists in having no opinion even upon the most important subjects of investigation. He who is unable to form, or who fears to express an opinion upon the characters and the events that pass in review before him, ought, in the one case from ignorance, and in the other from timidity, to be considered totally disqualified for a historian. The impartiality aimed at in the following pages, it is hoped, will be found in full and fair statements, with regard both to men and measures; and with regard to bodies of men, whether in a civil or ecclesiastic capacity, these statements have been made as much as possible in their own words, thus affording to the reader every facility for judging at once of the men and of their measures, as well as of the accuracy of those views which have been adopted by the author respecting them. If in any instance his statements shall be found defective or erroneous, he shall be ready to acknowledge and correct them when pointed out; and if, in detailing the conflicts of party, he shall be found to have caught somewhat of a party spirit, and to have uttered any sentiment inconsistent with Christian charity, he begs it may be set down as an error of the judgment, not as a settled feeling of the heart.

No. 16, MONTGOMERY ROW, }
Glasgow, May 1st, 1837. }

INTRODUCTORY DISSERTATION

ON THE

HISTORY OF THE UNION.

Nothing has been a more unfailing subject of declamation among moralists, than the inveterate selfishness of the human character. Man, savage and civilized, learned and illiterate, whether as an associated or an insulated being, is everywhere found grasping at what he fancies pleasurable or profitable, with very slender regard for either the pleasure or the profit of others; yet, under every modification of character, nothing is really more difficult than to persuade him of his true interest. Under the influence of self-love, like a ship in full sail, he drives rapidly along, but, from the want or the weakness of reason, like the same ship deprived of her rudder, he is carried away by the currents of opinion, dashed upon the rocks of conceit, engulfed among the quicksands of prejudice, or swallowed up in the whirlpools of passion.

Every day's experience furnishes abundant examples of this melancholy result in the case of individuals, and he has little acquaintance with history, who cannot point out manifold instances of the same fatality in the conduct of nations. The history of some nations, indeed, seems to demonstrate nothing else, and the history of all shows, that the best blessings of life, the stability and good order of society, are the special gifts of divine providence, rather than the results of human prudence or human foresight. Of this important fact, perhaps nothing in the wide range of European history can be a more pertinent illustration than the Union effected between the kingdoms of Scotland and England in the year 1707, of which, as introductory to the more easy and full understanding of the following history, we shall here present the reader with a very brief account.

The subjugation of Scotland was an enterprise that from a very early period occupied a prominent place in the policy of England, and it had very nearly been effected, in consequence of the disputed succession that occurred on the death of Alexander III., by that subtle and war-

like prince, Edward I. who, notwithstanding the partial successes of Sir William Wallace, carried his victorious arms over the length and breadth of the country, and, for aught that now appears, had his life been prolonged for a few more years, would have rendered his conquest permanent and perpetual, which, saving the reverence due to national vanity, would certainly have been highly beneficial to both ends of the island. Pursuing the tangled web of continental politics which involved her in perpetual warfare, this, the most prudent of all her projects, was for some ages suspended, but it was never lost sight of, till, by the failure of the house of Tudor, and the accession of the house of Stuart to her vacant throne, she became more completely mistress of the country than she could have been by the most splendid feats of arms.

James VI. not only the most childish of monarchs, but the vainest of men, on being called to fill the throne of England, was exceedingly elated with his good fortune, nor were his Scottish subjects much behind him in the extravagance of their expectations. A very short time, however, served to convince both, and especially the latter, that they had been very much mistaken in their calculations. That Scotchmen should have hoped to share in the good fortune of their monarch was but natural, and that their monarch should have been desirous of obliging them was no more than dutiful. Yet these very circumstances awakened the jealousy, and strengthened the long cherished animosity of the English, who were indignant at the smallest pretension on the part of their new fellow-subjects, and regarded the most trifling mark of the royal favour bestowed on them as an invidious distinction. Vain of his kingcraft, and exulting in the omnipotency of prerogative, James appears to have expected to be able to unite and to amalgamate his subjects, however different their manners and customs, by his own sole authority. Scarcely had he set foot in his new kingdom, when he gave a practical display of what he held to be his *Jus Divinum*, by ordering a person to be hanged at Newark on a charge of theft, without so much as the form of a trial; and considering the laws and the authority of the kingdoms as centred in himself, he regarded it as his peculiar felicity to have terminated the long continued and bloody animosities of two hostile nations, who henceforth, under one government, were to enjoy the most perfect tranquillity, secure for ever from all foreign influence. He accordingly assumed the title of king of Great Britain, quartered the cross of St. Andrew with that of St. George, issued a proclamation ordering Scottish coins to pass current in England, and, to indicate the peaceful triumphs of his reign, the iron doors of the border towns were by his orders taken off and turned into ploughshares. Finding, however, his kingcraft not so highly relished by his English as it had been by his Scottish subjects, he applied for assistance to the English parliament, "hoping that his subjects of both kingdoms, reflecting upon past disasters, while they respected his person as infinitely precious, would secure themselves against the return of former calamities, by a thorough union of laws, parliaments, and privileges." James was certainly not a great politician, but, in this instance, he showed much more wisdom than his parliament, who, though they took, out of condescendence to him, his

scheme into consideration, proceeded no farther on the subject, than to appoint in 1604, forty-four English, to meet with thirty Scottish commissioners, to talk over the terms of an union, but without any power of establishing it.*

Loath to be balked in a project upon which he had set his heart, and which he regarded as that which was to shed a peculiar glory over his history, James continued to press the subject with all the art, and with all the eloquence of which he was master, aided by that of Sir Francis, afterwards lord Bacon, but in vain. All he could obtain, after hectoring, in his usual style of arrogance, both houses of parliament, was, in the end of the year 1606, an act for the utter abolition of all memory of hostilities between the two nations, and for repressing all occasions of discord for the time to come.†

Here the plan for uniting the two kingdoms rested till the year 1643, when the tyrannical and bloody proceedings of Charles I. induced the parliament of England with the convention of estates, and General Assembly of the church of Scotland, to enter into the famous Solemn League and Covenant, wherein by solemn oath, the two nations became bound to "remain conjoined in a firm peace and union to all posterity." This solemn agreement, however, was very soon broken by the duke of Hamilton and his faction, who invaded England in 1648. He was totally routed at Preston, by the parliamentary army under Cromwell; and, with all that remained of his forces, shortly after made prisoner at Uxeter. Cromwell in return invaded Scotland, subdued, and, in 1654, incorporated it with the English commonwealth, in consequence of which, thirty members from that country were elected to sit in his parliament, which was summoned for the third of September that same year.

The unfortunate restoration of Charles II. and the measures consequent thereon, while they were intended to annul and to blot out all remembrance of these transactions, reduced Scotland to a state of dependance and slavery utterly unknown in her previous annals; yet, even in this state of debasement, upon a bill being passed for embodying her militia in 1669, a treaty of union was supposed necessary to guard against the apprehended danger of the measure. Commissioners were accordingly appointed for both nations, and during the following year, their negotiations were carried on with vigour, and the treaty was considerably advanced. The Scottish gentlemen of that day, however, were men of complacent tempers, the symptoms of danger soon evanished, Charles and Lauderdale sat still at their cups, and the union was again laid aside. After this, the inroads of the clans, and the triumphs of Claverhouse, were sufficient to quiet all fears on the head of Scottish independency, till the arrival of the prince of Orange, and the revolution in 1688, gave her a breathing space, when, manifesting somewhat of her ancient spirit, her former actions came into remembrance, and a union was again proposed by king William, as that alone which could allay the heats and promote the happiness and prosperity of both nations.

* Imperial History of England, vol. II. pp. 1, 2.

b

† Ibid.

Never were the debasing effects of a long continued system of misrule exhibited in a more affecting manner than in Scotland at this time. Her nobility were almost to a man dipped in the iniquitous measures of the late reigns; they were needy, and of course dependant, and a great proportion of them looked to the restoration of James, and a return to his maxims of government, as the only means whereby they could attain to influence and emolument. These feelings, however, they, for the most part, attempted to conceal; and under the pretence of love to their country, and zeal for its liberties, thwarted, as far as was in their power, every measure that was in any degree calculated to extend or to secure these liberties. The presbyterians, who had the real welfare of the country most at heart, though they succeeded in having presbytery generally established—this being necessary to satisfy the body of the people—were regarded by William and his ministers, who were generally episcopalians, with no friendly feelings, and, unable fully to perfect the work which they had begun, were deserted by many of their friends, and reduced to the necessity of purchasing one part of their rights by the sacrifice of others equally important, and to which they were equally entitled.*

While the nation was thus broken by faction, and borne down by tyranny in the government, a train of adverse events, or rather a series of mismanagements, afforded perpetual fuel to the angry feelings by which the nation was inflamed. The pensioning of the clans, the worse than brutal affair of Glenco, the cool and cruel extinction of the Darien colony, with the inextinguishable hostility manifested towards the African company, were all laid hold of by the Jacobites—who, claiming fellowship with the country party, and occasionally voting along with them, had become exceedingly popular—and held forth as undeniable proofs that England had determined on the ruin of the Scottish nation. In consequence of these clamours, the Scottish parliament, in place of providing supplies for the necessary expenses of the government, and settling the succession to the crown in the protestant line, in unison with the English parliament, was chiefly occupied with schemes for securing the nation from the oppression of English counsels. For this pretended purpose was passed, in the year 1703, the so often applauded act of security, whereby a great many provisions were made respecting the mode of procedure in parliament, in case of the queen's death, with the conditions under which the successor to the crown of England should be allowed to succeed to that of Scotland, which were to be, "at least, freedom of navigation, free communication of trade, and liberty of the plantations to the kingdom and subjects of Scotland established by the parliament of England." It also provided that the whole protestant heritors, and all the boroughs in the kingdom, should forthwith provide themselves with fire-arms for all the fencible men, who were protestants, within their respective bounds; and they were further ordained and appointed to exercise the said fencible men once a month, at least. No

* Nothing can be more false and fulsome than the panegyrics, that, by presbyterian writers, have been often poured out upon king William, whose conduct towards the Scottish church was in many instances impolitic, unjust, and tyrannical.

clause of this celebrated act, however, is more remarkable than that regarding the successor to the crown, which declares that he shall be "always of the royal line of Scotland, and of the true protestant religion," which so evidently militated against the pretender, that it has been supposed to have been inserted by the influence of the duke of Hamilton, in order to secure his own succession to the crown, he being, after the house of Hanover, the next protestant heir. This supposition, it must be admitted, has been supported with great plausibility, and goes far to explain the hesitating indecision which afterwards, on so many occasions, marked the conduct of his grace; yet it is still possible that he might have nothing further in view by the admission of this clause than the Jacobites generally had, which was to procure the support of the presbyterians, without whose aid they found themselves unfit to carry this or any other particular measure through the house. Nothing is more certain than that he had the instructions under which he was acting at this time, sent him from St. Germain's;* and it would be but an ungrateful labour to prove so distinguished a patriot the detestable betrayer of two interests at the same time. Another remarkable act passed by this parliament, was that "ancient peace and war;" which provided among other things, "That after her majesty's death, and failing heirs of her body, no person, at the same time king or queen of Scotland and England, shall have the sole power of making war with any prince, state, or potentate whatsoever, without consent of parliament." To the first of these acts, the act of security, the royal assent was refused, but the last, in the hope of soothing the house, and inducing it to grant supplies, was passed apparently without any hesitation. A proposal for settling the succession in the house of Hanover, given in to this parliament, was treated with the utmost contempt—some proposing to burn it, and some insisting that the earl of Marchmont, who presented it, should be sent prisoner to the castle. It was at last thrown out of the house by a plurality of fifty-seven voices. That the movers of some of these measures, and a few of their supporters were really in earnest with regard to the liberties of the nation, we cordially admit—but the effective numbers were found among the Jacobites, who, strange as it may appear, were confident that in the end they should be able to improve them all for promoting passive obedience, and indefeasible hereditary right.

These violent proceedings on the part of the Scottish parliament, could not fail to alarm the English ministry, and particularly the queen, to whom it was proposed by the earl of Stair, that an English army should be sent into Scotland, and there maintained at the expense of England, for the purpose of keeping possession of the country during the remainder of her life, and that she should henceforth in that country call no more parliaments, an advice every way worthy of the projector of the butchery at Glenco, but an advice which her majesty had the good sense to reject. That she possessed ample resources in her kingdom of England to have carried through such a project, she probably did not

* *Vide Stuart Papers, 1705.*

need to be told, but it was utterly inconsistent with the maxims of her government, among which that of positive compulsion seems to have had no place, and it was equally so with the enlightened and philanthropic views of some of the principal of her advisers, who, looking at the absolute authority acquired by the crown in that country since the union of the crowns, and aware, especially should it come into the hands of an able and ambitious monarch, of the dangers thence accruing to the liberties of England, had determined upon an union of the two countries upon such a basis as should at once create, if not an immediate unity of feelings, at least an unity of interests. Instead, therefore, of showing any thing like irritation at what had been done, the queen and her ministry bestowed honours and rewards pretty liberally upon all who had stood firm on the side of the court—made a few changes among the principal officers of the Scottish administration, and again convened the parliament. In consequence of these measures, a considerable number were gained over to the side of the court, but there was still a majority on the other side. The act of security was again carried through the house, and, in order to obtain, as has been alleged, a money bill, was now perfected by the royal assent. This has generally been considered as a blunder in politics, such as with regard to Scotland the English government had but seldom been guilty of committing. Perhaps it was so, but it was one of those fortunate mistakes that often serve a cause more effectually than the most deep laid and long matured schemes. Hitherto the most formidable opposition to the union of the two kingdoms had always been found on the side of England, and perhaps nothing could have so effectually prevailed upon her people generally to acquiesce in the measure, as the spirit and temper of Scotland manifested, especially by this act.

Whatever might have been the motive for passing the act of security, the English ministry showed themselves perfectly alive to what might be its consequences, by the measures they adopted with regard to the relative situation of the two nations, and aware that now they must either lose the Hanoverian succession in Scotland, enter into a war with that people, or grant them, according to their ostensible desire, a treaty, they began to think of an union in good earnest, though, at no previous period, could they have proposed it with so little hope of success. All possible preparation was of course made for carrying forward the measure, without loss of time. The parliament, along with some acts, apparently hostile to Scotland, passed one, empowering her majesty to nominate commissioners, to meet with commissioners to be appointed by the parliament of Scotland, for that effect. The duke of Argyle, who was known to be a favourite with the presbyterians, was sent down as high commissioner, and the parliament of Scotland was by him again opened with extraordinary splendour on the twenty-eighth day of June, 1705. A letter from the queen to the parliament was presented by his grace, in which she particularly recommended the settling of the succession in the protestant line, in preference to all other business, and next to that, the treaty of Union, with regard to which, she hoped they would follow the example of the English parliament, and towards which she

promised most heartily her best assistance. These measures the commissioner also, after the example of her majesty, insisted particularly upon in his speech, as expedients necessary for preventing that ruin with which they were but too plainly threatened. The first, the settling the succession in the protestant line, he observed was absolutely necessary for securing peace, and cooling down those heats which had with great industry, and with too much success, been raised among them. The second, the treaty with England, being what they themselves had often discovered so strong an inclination for, he could not suppose would meet with any opposition.*

Before entering upon the proceedings of this parliament, it may not be improper to mention that it was composed of four parties, the court party, the country party, the cavaliers, and the *squadron volante*. The first of these were, for the most part, in the revolution interest, though a few of them were suspected, and most probably with justice, to have an eye chiefly to their own. The second were mostly presbyterians, and by the country in general, were regarded as men of probity, aiming, though they might sometimes be mistaken, sincerely to promote the best interests of their country. Through a defect of judgment, however, or the preponderancy of prejudice, they were often the dupes of, and voted to promote the measures of their bitterest enemies. They were headed by the duke of Hamilton, and Fletcher of Salton, both of whom, but especially the last, were strenuous advocates for liberty and independence. The third party consisted of a body of men who were episcopal in religion, and Jacobite in politics, and were distinguished by the name of cavaliers. They were decidedly hostile to the revolution, the present establishment of the church, and the protestant succession; but they joined with the country party in their outcry of grievances, the decay of trade, the oppressive weight of English influence, and the want of patriotism and public spirit. In all their measures, however, they had nothing further in view than to disturb or delay the succession in the protestant line, and by this means to recommend themselves to the notice of the pretender, on whom they would willingly have bestowed the crown without any limitations either with regard to liberty or religion! The fourth pretended to be of no party, but to hold the balance between the others, whence they had their name, but their object was only to make themselves of more consideration to the court, and so to be taken into favour upon the best possible terms, and, their mercenary motives being but ill concealed, they were hated and despised by all. Their leader at this time was the marquis of Tweeddale.

When the house proceeded to business, the parties were shy of coming to a trial of strength, and three weeks were spent upon minor matters. When the settlement of the succession came to be discussed, however, the cavaliers proposed, and, with the help of stray votes from the other parties, carried a resolution against it. They also succeeded, settle where it would, in clogging it with a number of restrictions and limitations, which Lockhart, one of the most zealous of them, confesses they

* Lockhart Papers, vol. i. p. 115. Campbell's Life of John, Duke of Argyle, p. 89—93.

did in case it should come to the house of Hanover, and to ingratiate themselves with the people, "who groaned exceedingly under the oppression of England, and were extremely fond of every thing that seemed to free them from it!" It was probably with the same views that they carried a great many resolutions for regulating the sittings and the proceedings of parliament, which, as, in consequence of the Union, they never came into practice, it would be out of place here to detail.

The draught of an act presented by the earl of Marr for appointing commissioners to treat with those who had been nominated on the part of England upon an union of the two kingdoms, came at length to be discussed. This draught was drawn after the act of the English parliament, which was represented by Fletcher of Salton as scurrilous and haughty, and he exhorted them "to resent this treatment on the part of the English by throwing the motion of a treaty, until it was proposed in more civil terms, out of the house." This motion, however, was rejected, and the cavaliers, aided by the country party, finding it to no purpose to oppose the treaty any longer in general terms, attempted to clog it, like the succession, with such restrictions as should effectually prevent it from taking effect, and for that end, a clause was proposed by the duke of Hamilton, "that the union to be treated on should no ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of this nation." This proposal was debated at great length, and was at last rejected by a plurality of only two voices, seven or eight of the cavalier and country parties, according to Lockhart, being absent when the vote was taken. Having lost this clause, the cavaliers presented another in these words, "Provided always that the said commissioners shall not go forth of this kingdom, to enter into any treaty with those to be appointed for England, until there be an act passed by the parliament of England, rescinding that clause in the English act, by which it is enacted that the subjects of Scotland shall be adjudged and taken as aliens after the twenty-fifth day of December, 1705." This also they enlarged upon at great length, as necessary to vindicate the honour of the nation from the injustice of the English in that act, still hoping the English parliament would not comply with the demand, and the treaty would be thus prevented. This was opposed upon the same grounds as the former proposals of the party, but finding the house inclined to adopt it, the court party met it by a motion to this effect, "that the clause should be approved, but that it should not be engrossed into the act for a treaty, but pass as a resolve of the house, that after the foresaid act is finished, the house will immediately proceed to consider whether the clause should be by a particular act, or by an order of the house." Being put to the vote, this last was carried, by which the court party considered they had it in their own power, for if it was turned into an act at the close of the session, they could refuse the royal assent, which would render it nugatory, and they might proceed with the treaty whether the obnoxious act of the English parliament were repealed or not. Before stating the vote, however, upon the act for a treaty, the duke of Athol entered his protestation in the following terms:—"In regard that by an English act of parliament made in the last session thereof, intituled, an act for the

effectually securing England from the dangers that may arise from several acts passed lately in Scotland, the subjects of this kingdom are adjudged aliens born out of the allegiance of the queen, as queen of England after the twenty-fifth day of December, 1705. I do therefore protest for myself, and in the name and behalf of all such as shall adhere to this my protestation, that for saving the honour and interest of her majesty as queen of this kingdom, and maintaining and preserving the undoubted rights and privileges of her subjects, no act for a treaty with England ought to pass in this house unless a clause be adjoined thereto, prohibiting and discharging the commissioners that may be nominated and appointed for carrying on the said treaty, to depart the kingdom in order thereto, until the said act be repealed and rescinded in the parliament of England." To this protestation most of the cavaliers, a few belonging to the country party, and nearly all the squadrons adhered, making in all twenty-four peers, thirty-seven barons, and eighteen burgesses.*

By the time the vote was taken upon the act for the treaty it was late, and the sederunt having been a long one, many of the members as they gave their votes, went out of the house, not expecting any more business to come on for that night, but the last name on the roll was scarcely called, when the duke of Hamilton, addressing himself to the chancellor, moved that the nomination of the commissioners for the treaty should be left wholly to the queen. Nothing could have been more astonishing to his friends than such a proposal from his grace, who had all along exclaimed with the utmost bitterness against entering into such a treaty on any conditions. Twelve or fifteen of them, filled with rage and despair, ran out of the house, crying that he had deserted and basely betrayed them. Those of the party that remained, debated the question with his grace's own arguments, but when it came to the vote, it was carried by eight voices, among which that of his grace made one. This was no sooner over, than the whole act, empowering commissioners to meet and treat with England, was voted and approved, when the duke of Athol again protested against it, and was adhered to by twenty-one noblemen, thirty-three barons, and eighteen burgesses.†

The conduct of the duke of Hamilton on this occasion was certainly very strange, and by no means easy to be accounted for. It has, as we have already noticed, been ascribed to a secret hankering which he had after the Scottish crown—to a desire to be nominated one of the commissioners himself—and to the secret intrigues of the earl of Marr—perhaps it may be with more truth and propriety ascribed to the difficulty of the case operating upon the vanity, the selfishness, and the imbecility of his grace's character. Whatever was the motive with the duke of Hamilton, the effect was salutary, as it removed the last remaining difficulty on the part of the Scottish parliament in the way of entering upon the treaty, and the English parliament, contrary to the expectations of the Scottish cavaliers, having shortly after repealed the act that had been so particularly excepted against in Scotland, and thus taken

* Lockhart Papers, vol. i. p. 132.

† Ibid. p. 133.

every obstacle out of the way, her majesty, in the month of March, 1706, issued out two commissions, one for Scotland, and one for England, appointing the following persons commissioners for treating of an Union of the two kingdoms, viz. for Scotland, the earl of Seafield, lord chancellor, the duke of Queensberry, lord privy seal, the earl of Marr, and the earl of Loudon, secretaries of state, the earls of Sutherland, Morton, Weemys, Leven, Stair, Roseberry, and Glasgow, viscount Duplin, lord Ross, lord Archibald Campbell, Sir Hugh Dalrymple, president of the session, Adam Cockburn of Ormiston, lord justice clerk, Robert Dundas of Arniston, one of the lords of session, Robert Stuart of Tillycultry, do. Sir Alexander Ogilvie of Forglan, do. Mr. Francis Montgomery of Giffen, Sir David Dalrymple, Sir Patrick Johnston, lord provost of Edinburgh, Sir James Smollett, George Lockhart of Carnwath, William Morrison, younger of Preston Grange, Alexander Grant, younger of Grant, William Seton, younger of Pitmedden, John Clerk, younger of Pennycuik, Hugh Montgomery, lord provost of Glasgow, Daniel Campbell, and Daniel Stewart, taxmen of the customs. On the part of England, his grace the archbishop of Canterbury, his grace the archbishop of York, William Cowper, keeper of the great seal, the lord Godolphin, lord treasurer, the earl of Pembroke, president of the council, the duke of Newcastle, privy seal, the dukes of Devonshire, Somerset, and Bolton, the earls of Sunderland, Kingston, Carlisle, and Oxford, viscount Townshend, lord Wharton, lord Gray, lord Poulet, lord Somers, lord Halifax, John Smith, speaker of the house of commons, William Cavendish, marquis of Huntingdon, John Manners, marquis of Granby, Sir Charles Hodges, and Robert Harley, secretaries of state, Henry Boyle, chancellor of the exchequer, lord chief justice Holt, lord chief justice Trevor, Edward Northey, attorney general, Simon Harcourt, solicitor general, Sir John Cook, advocate general, and Stephen Waller, doctor of law.*

The commissioners on both sides were all of the whig party, the archbishop of York excepted, who never condescended to honour them with his presence, and George Lockhart of Carnwath, who was a violent Jacobite, and by the advice of his party, sat as a spy upon their proceedings, but took no part in their deliberations.† He was at the same time directed to embrace the opportunity for canvassing the English Tories, in order to learn how far they might be disposed to go in case of an invasion from France, headed by the pretender, which was, at that time, anxiously expected by the party, and he communicated accordingly with the duke of Leeds, the lord Granville, and other of the leading Tories, but found them utterly averse to do any thing for James, at least so long as the queen lived. This he carefully communicated, with every thing relating to the treaty of Union, to captain Straiton, who was immediately despatched to France with the tidings, and to solicit the French king for assistance in this their hour of peril and extremity. A particular account of the state of feeling in Scotland, so minute as to characterize almost every individual of the least notoriety, had also

* Lockhart Papers, vol. i. p. 141.

† Ibid. p. 142.

been sent to the French, and Scoto-French courts, a week or two previous to Straiton's setting out on his embassy, but the victorious career of Marlborough had so embarrassed the most Christian king, that all he could do for the friends of James, was to give them fair words for the present, and liberal promises for the future. With Straiton, James sent home letters to the duke of Hamilton, the earls of Errol and Marischal, and the viscount Stormont. In that to the viscount Stormont, were enclosed letters to the duke of Athol, and to the marquis of Montrose, to be delivered as might be thought proper. "The first," Lockhart observes, "was delivered and kindly received, but the other person was turned such an obstreperous renegado, that it was to no purpose to make any attempt on him, besides, there was a visible danger of his discovering all to the ministers of state, who, though they knew that captain Straiton had been in France, took no notice of it, he having been furnished with credentials from *honest* merchants in Edinburgh, to act as supercargo in the ship which transported him."*

The commissioners for the treaty of Union held their first meeting at the Cockpit, Westminster, on the sixteenth of April, 1706, which was opened by a speech from the lord Cowper, keeper of the great seal of England, to the following effect:—"My lords,—We the commissioners appointed by her majesty, and authorized by the parliament of England to consult and treat with your lordships, as empowered in the like manner by her majesty and the parliament of Scotland, concerning an union of the two kingdoms, and such other things as we the commissioners on both parties shall think convenient and necessary for the honour of her majesty, and the common good of both kingdoms, do apprehend there never was, in any assembly of this nature, so little reason as at present, for the commissioners of England to give any verbal assurances of their zeal to promote and complete (so far as in their power) the great and good design we are met about; since it cannot be doubted but we bring along with us the same sentiments which so lately appeared in the parliament of England, where they took care to manifest, by a solemn act, that they did postpone all other considerations to their evidencing a good and friendly disposition towards Scotland—the parliament of England, in making that unexpected advance, seeming resolved, if possible, to attain that union which has been so long thought necessary by all that wish well to the prosperity of both kingdoms. And we most sincerely assure your lordships, we do accordingly meet your lordships with hearts fully resolved to use our utmost endeavours to remove all the difficulties in this treaty—to prevent all misunderstandings—and cherish and improve the good disposition to one another; and to have the general and joint good of both kingdoms solely in our view, and not the separate of either, but to act as if we were already united in interest, and had nothing left but to consider what settlements and provisions are most likely to conduce to the common safety and happiness of this whole Island of Great Britain. Which measures, if pursued on both parts, we

* Lockhart Papers, vol. i. pp. 149, 150.

hope may enable us to prepare such terms of union, as may prove satisfactory to her majesty, and the parliament of both kingdoms."

To this speech the lord chancellor of Scotland made the following reply:—"My lords,—The lords commissioners for Scotland have desired me to assure your lordships, that they meet you on this occasion with great willingness and satisfaction, to treat of an union betwixt the two kingdoms, and of such other matters and concerns as may be for her majesty's honour, and the maintaining a good understanding between the two kingdoms. We are convinced that an union will be of great advantage to both; the protestant religion will be thereby more firmly secured, the designs of our enemies effectually disappointed, and the riches and trade of the whole island advanced. This union hath been often endeavoured, both before and since the kingdoms were united in allegiance under one sovereign, and several treaties have been set on foot for that end, though without the designed success; but now we are hopeful that this shall be the happy opportunity of accomplishing it. Her majesty hath frequently signified her good inclinations towards it; and we are the more encouraged to expect success in this treaty, by the good disposition that appeared in the parliament of Scotland to it, and by the friendly proceedings of the parliament of England, which give general satisfaction. We have a great confidence in your lordships' good intentions; and we shall be ready, on our parts, to enter into such measures with you as may bring this treaty to such a conclusion, as may be acceptable to her majesty, and the parliaments of both kingdoms."*

Ceremonies being exchanged, and certain rules of procedure agreed upon, the negotiations were opened on the part of the English commissioners by the following proposal:—"That the two kingdoms of England and Scotland be for ever united into one kingdom, by the name of Great Britain—that the united kingdom be represented by one and the same parliament, and that the succession to the monarchy of the united kingdom, in case of failure of heirs of her majesty's body, be according to the limitations mentioned in the act of parliament made in England, in the twelfth and thirteenth years of the reign of king William, intituled, an act for the further limitations of the crown, and the better securing the rights of the subject." The Scotch commissioners having demanded time to consider of this proposal, and being convened for that purpose, all of them, Mr. Lockhart excepted, who, as he has told us himself, by the orders of his faction, "sat silent, making his observations," were willing to accept it; but as they knew that a federal union would be more agreeable to their countrymen in general, they agreed, that without positively rejecting the above, a proposal to that effect should be made. This was done accordingly, but meeting with no encouragement from the English commissioners, all of whom were bent upon an incorporating, or what they called an entire union, it was dropped. Nothing else seems to have occurred that occasioned any thing like a serious difference of opinion. Her majesty attended their

* Defoe's History of the Union of Great Britain, folio ed. pp. 21, 22.

deliberations twice, on the twenty-first of May, and the twenty-sixth of June; on both of these occasions she inquired particularly into their progress, and on the last, addressed to them the following speech:—

“ My lords,—I am come hither once more to see what further progress you have made in this treaty, and to press a speedy conclusion of it, in regard my servants of Scotland, cannot, without great inconvenience, be much longer absent from that kingdom.” On the twenty-second of July, 1706, the treaty was completed, and next day, in name of the commissioners, presented to the queen at St. James’, by the lord keeper of England and the lord chancellor of Scotland, each of whom complimented her in a short speech upon the happy issue of their negotiations, to which her majesty, made the following gracious reply:—
 “ My lords,—I give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the parliaments of both kingdoms. I wish, therefore, that my servants of Scotland may lose no time in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a peculiar happiness, if this union, which will be so great a security and advantage to both kingdoms, can be accomplished in my reign.” Care was, at the same time, taken to keep the articles secret, till such time as they should be laid before parliament; and an order of council was issued the same day, forbidding all books and wagers upon the subject.*

On their return to Scotland, the commissioners, though they were not at liberty to specify the articles of the treaty, were careful to give such representations concerning it, as for a time made an impression on the public mind of a favourable kind; but no sooner did the particular provisions of the treaty begin to transpire, than, principally through the indefatigable exertions of the Jacobites, it became the subject of the most violent reprobation. Dreading the confirmation of the Union, which they considered as the grave of their hopes, and able to obtain no assistance from abroad, the party became perfectly frantic. His grace the duke of Hamilton, in the prospect of what had now taken place, and in order to be provided for it, had, in 1704, sent an order to the pretender, by Mr. James Murray, for twenty-five thousand pounds. “ The manner,” says Murray, “ in which he proposes to dispose of this money, is to take a share of it to himself, to assist him to defray the great expense which he will be obliged to make for maintaining his credit with his party—to distribute another in augmenting and strengthening his party, and in preserving and confirming those who are already of it, according as he shall see necessary for the service of his majesty—and to employ the rest in purchasing arms.” Whether this demand was in whole complied with, or in part, we have not been able to discover, but in 1705, we find a second demand made on behalf of the same party, for thirty thousand livres, “ which managed faithfully,” the writer remarks, “ would be of greater utility here to the king’s service, than

* *Dufresne’s History of the Union of Great Britain*, folio ed. pp. 47, 88, 103, 104. *Campbell’s Life of John, Duke of Argyll*, p. 113.

you can imagine;" and, "in short, without this supply it is absolutely impossible to advance our affairs."* It was now their fortune to contend, as it were, for existence, in default of all this necessary supply—and it required the united strength, influence, and cunning of the whole party, as they were sure to be met in the same determined spirit. The advocates of the revolution and the protestant succession, equally aware with the Jacobites of the importance of the matters now at issue, were prepared to make no common effort. They had already gained a signal advantage; and one effort more, they concluded, would render their triumph complete. Whatever they might think respecting themselves, or whatever degree of confidence they might have in their supporters, the leaders of the Scottish administration, from the solidity of the principles of which they were now the advocates, and the vast utility of the measures they were pursuing, were, at this time, well entitled to the support of their country, and the approbation of all good men. Perhaps fortunately however, excellent as was their cause, and the objects they had in view, they were not left to depend solely on principle, or the lofty aspirations of single-handed patriotism. The English ministry aware of the difficulty of their situation, transmitted, at their request, twenty thousand pounds, to be applied in paying up arrears due to individuals by the government, which, from the manner in which it was distributed, may with the utmost certainty be denominated the purchase money of the Union.†

The parliament which was to determine the question, was assembled on the third day of October, 1706. To this parliament the duke of Queensberry was appointed high commissioner. The queen's letter, as well as the speeches of the commissioner and chancellor, insisted principally on the benefit that would necessarily result from the Union, and recommended in the strongest manner its ratification. Subsidies were also wanted, but anxious to carry through the treaty of Union before the opposition, which was already formidable, should gather more strength, the court party prevailed to have the articles read at the first sederunt, when they were ordered to be printed, along with the minutes of the proceedings of the commissioners, for the use of members, after which, the

* Stuart Papers for 1704 and 1705.

† The following were the persons to whom this money was paid, in the sums appended to their names, as declared upon oath, before the commissioners appointed in the year 1711, to examine the public accounts, by David Nairne, at that time secretary depute of Scotland.

To the earl of Marchmont,	£1,104	17	7
— the earl of Cromarty,	300	0	0
— the lord Prestonhall,	200	0	0
— the lord Ormiston, lord justice clerk,	200	0	0
— the duke of Montrose,	200	0	0
— the duke of Athol,	1000	0	0
— the earl of Balcarras,	500	0	0
— the earl of Dunmoor,	200	0	0
— the lord Anstruther,	300	0	0
— Mr. Stewart of Castle Stewart,	300	0	0
— the earl of Eglinton,	200	0	0
— the lord Fraser,	100	0	0

Carry forward, £4,604 17 7

house adjourned to the tenth, which was occupied in settling precedencies, administering oaths, &c. On the twelfth, the reading of the articles of Union was again resumed, when it was moved by the cavaliers, that all records relating to former treaties between Scotland and England, should be laid before the house, and that in the intervals of parliament, they might be seen in the lower parliament house, where the lord register should order some of his servants to attend. This, after some debate, was agreed to. The reading of the articles being resumed, they were again violently opposed, and the necessity was now suggested, probably for the first time in a Scottish parliament, of adjourning till members could consult their constituents, without whose permission it was alleged they had no power to sanction such a treaty as the Union. As a farther means of delay, some of the Jacobite members made a motion for a general fast before proceeding to discuss a matter so weighty, and in which the interests of the church were so deeply implicated. This occasioned a very warm debate, in which it was observed, that the motion had come from such as had seldom been observed either to fast or pray. The purpose, indeed, was evidently no other than to make the ministers of the gospel the advocates of sedition, and the motion was opposed with the greatest energy by the most sober and religious members of the house. It was accordingly put off for the present, and the house adjourned till the fifteenth. On the fifteenth, it was again moved that the articles of Union be taken into consideration agreeably to the minutes of last sederunt. It was moved in opposition to this, that time should be allowed the members to take more deeply into consideration articles of such serious import as the annihilating of the nation. After a long debate, and a great deal of quibbling, the vote was at length stated, "Proceed to consider the articles of the treaty or delay?" which was carried in the affirmative by a plurality of sixty-four

<i>Brought forward, £4,804 17 7</i>			
To the lord Carnock, now Polwarth,	50	0	0
— Mr. John Campbell,	200	0	0
— the earl of Forfar,	100	0	0
— Sir Kenneth Mackenzie,	100	0	0
— the earl of Glencairn,	100	0	0
— the earl of Kintore,	200	0	0
— the earl of Findlater,	100	0	0
— John Muir, provost of Ayr,	100	0	0
— the lord Forbes,	50	0	0
— the earl of Seafield, lord chancellor,	490	0	0
— the marquiss of Tweeddale,	1000	0	0
— the duke of Roxburgh,	500	0	0
— the lord Elibank,	50	0	0
— the lord Bamf,	11	2	0
— Major Cunningham of Ecknatt,	100	0	0
— the messenger that brought down the treaty of Union,	60	0	0
— Sir William Sharp,	300	0	0
— Patrick Contrain, provost of Wigton,	25	0	0
— Mr. Alexander Wedderburn,	75	0	0
— the Commissioner for equipage and daily allowance,	12,825	0	0
<hr/>			
<i>£20,540 17 7</i>			

The balance of five hundred and forty pounds seventeen shillings and sevenpence, the earl of Glasgow acknowledged he received from lord Godolphin, when he accounted to his lordship for the twenty thousand pounds as expended by the above particulars.—Lockhart Papers, vol. i. pp. 367, 368.

voices. It was agreed, however, that the house should not proceed to vote upon any of the articles, till they were all at least once read over and discoursed upon by the members. This reading, with the remarks especially of the dukes of Hamilton and Athol, the marquis of Annandale, the lords Belhaven and Balmorino, Fletcher of Salton, and Sir David Cunningham of Milncraig, who were at great pains to point out what they called the absurdity and unreasonableness of the several articles as they went along, occupied the house till the first of November.*

While the cavaliers within doors were thus doing their best to retard the progress of the treaty, to their great satisfaction the opposition without doors was daily becoming more formidable. Edinburgh was crowded with visitants, from all quarters of the country, of all ranks, sexes, and ages, all of whom were become, if not skilful, at least confident politicians. The outer parliament house, and the approaches to it, were every day ere the parliament met, crowded with people, exclaiming against the Union, and reprobating all who had been, or were in any degree its promoters. Queensberry they reviled in the most brutal manner, and pursued along the streets with showers of stones, but the duke of Hamilton was regularly escorted to his lodgings in the Abbey, by a mixed multitude of disorderly persons, who, with loud huzzas, exhorted him to stand by his country, with assurances that he should be supported. Nothing is more surprising than to see the garbage vanity will feed on, the dishonourable shifts faction will have recourse to, and the dirty tools she will employ. The duke of Hamilton was perhaps the loftiest man in the nation, jealous of his dignity, and haughty and supercilious among persons of his own rank to a very high degree, yet he condescended not only to suffer, but to encourage, and apparently to enjoy the applauses of this contemptible rabble, day after day, till, swayed with the idea of their own importance, and secure of the approbation of the whole party, as well as the special protection of his grace, they, on the twenty-third of October, after having carried him to the lodgings of the duke of Athol, another of their favourites, proceeded to the residence of Sir Patrick Johnston, who had been a commissioner for the treaty of Union, was one of the representatives in parliament for and late lord provost of the city of Edinburgh, drove in his windows with stones, burst open his doors, and searched every corner of his house, "threatening to tear him into a thousand pieces." Sir Patrick fortunately had got out of the way, and a detachment of the town guard arriving after a while, secured his house and protected his family from farther outrage, but the crowd kept possession of the streets during the greater part of the night, threatening destruction to all whom they supposed to be any wise favourable to the Union. At an early hour in the morning, however, a detachment of the foot guards cleared the streets, secured the Nether Bow Port, and placed a guard in the Parliament Close.

This disgraceful riot Lockhart has detailed with apparently great satisfaction, and he chuckles over "the consternation that seized the courtiers on this occasion," who were "terribly afraid of their lives,

* Defoe's History of the Union, folio ed. Article—Abstract of the Proceedings of the Scottish Parliament, p. 6. Lockhart Papers, vol. i. pp. 161, 162.

this passage making it evident that the Union was crammed down Scotland's throat !”* It was, indeed, the creation solely of the Jacobites, and created with an intention of taking many lives, but like the greater part of their projects, disappointed their expectations, and had an effect altogether the reverse of what was intended. Being at once seen through by all sober thinkers, it brought some degree of discredit upon the whole body of the opposition, as neither so enlightened, nor so disinterested as they themselves would have had the world believe. The privy council also took occasion from it next day to station troops in the Parliament Close, and other convenient places throughout the city, for the protection of parliament and its members, and the whole army, both horse and foot, was immediately drawn together in the neighbourhood, so as to be in readiness in case of any similar outrage. A proclamation was at the same time issued against all tumultuous meetings, wherein all persons were commanded to retire from the streets, whatever time they should be warned by beat of drum, under pain of being instantly fired upon by the guards, to whom an ample indemnity was by the same instrument granted, in case they should kill any of the lieges in so doing. “These measures,” Lockhart observes, “discouraged others from making any attempt for the future,” and “the placing of these guards overawed many, both in and out of the house.” Of course they excited the angry feelings of the cavaliers in no ordinary degree, and the proclamation of the council being submitted to parliament for its approbation, occasioned a debate, wherein the virulence of the whole faction was eminently displayed. The parliament, however, passed a vote of thanks to the council, and requested them to continue their care for the public peace, and the safety of parliament. Against this vote, the earl of Errol protested as an infringement of the privileges of parliament, of the rights of the city of Edinburgh—and of his right as lord high constable of Scotland, in consequence of which, he alone was entitled to guard the parliament without doors, as it was the undoubted right of the earl Marischal to guard it within—in which he was supported by a long list of names, the greater part of which are found on every protest that was taken during the sitting of this parliament.†

The mob of Edinburgh were now brought into some tolerable order, but it was not to that city the machinations of faction were confined. The utmost exertions had been made, and were still making to rouse the rabble from one end of the nation to the other, and the success was such, that it has been confidently stated, that the state of the weather alone, which was unusually inclement, prevented such an assemblage at Edinburgh, as would have overwhelmed all opposition, and, by breaking up the parliament, put an end at once to all thoughts of the Union. Addressees were in the meantime got up, and poured in from all quarters, almost from every town, parish, hamlet, and corporation, inveighing in the strongest terms against the measure, as necessarily involving the entire ruin of the country in all its interests. That which gave the Jacobites the greatest hopes, however, was one, and indeed it was the only one that had any thing

* Lockhart Papers, vol. I. p. 163.

† Ibid. pp. 165, 166.

reasonable in it, by the commission of the General Assembly of the church of Scotland, of which, though the proofs of their hatred were either before the eyes, or fresh in the memories of all men, they now set themselves up as the special partisans. They had already attempted to have a day of fasting appointed by the parliament, in the hope of turning it to their own advantage, but had failed, and now that the commission appointed a fast day for themselves, and recommended it to presbyteries to do the same, they eagerly laid hold of it, and where the ministers were weak, and at the same time zealous, made it the mean of producing no little mischief. In Edinburgh, this fast was observed with great solemnity, Queensberry, the high commissioner, and Seafield, the chancellor, with all the principal officers of state, attended public worship, and the work of the day was concluded with order and propriety.* In Glasgow, however, when the fast came to be observed, matters went on very differently. There the dislike to the Union had been very strongly manifested, under the idea that it was to endanger the Scottish church, and the fears of the people in general were no doubt sincere, for there were but few Jacobites among them. The few that were, however, having like their brethren in other places, become zealous in a high degree for the perpetuity of presbytery, exerted themselves with a zeal worthy of new converts. The magistrates were importuned not only by the rabble, but by many respectable citizens, to address the parliament against the measure, which the lord provost, Mr. John Aird, declining to do, it was resolved to get up one without him. While the citizens were contemplating this measure, the seventh of November arrived, the day appointed in Glasgow for observing the fast, when the Rev. Mr. Clark, minister of the Tron church, preached from Ezra viii. 21. "And I proclaimed a fast there, at the river of Abava, that we might afflict ourselves before our God, to seek of him a right way for us, and for our little ones, and for all our substance," and pursuing the idea of his text with more zeal than judgment, having descanted upon the efficacy of prayer in its own place, but its futility when not seconded by vigorous exertion, concluded his sermon with these words, "wherefore, up and be valiant for the city of our God," which so inflamed his hearers, that running into the streets, and joined by others as enthusiastic as themselves, created a mob which attacked, and in part plundered the house of the lord provost, who was under the necessity of leaving the city, as was also another gentleman, the laird of Blackhouse, who had delivered his opinion on the side of the provost, and whose house likewise was attacked and plundered by the patriotic rioters. An address was now got up under the patronage of the incorporations, most numerously signed, and Messrs. John Bowman, dean of guild, Robert Scott, deacon of the tailors, and John Stevenson, deacon of the shoemakers, despatched to Edinburgh to present it to the parliament. In the meantime, the rioters kept possession of the town, searched the houses of all such as they supposed friendly to the Union, for arms, which, wherever they found, they carried away, and headed by a no-

* Defoe's History of the Union, folio ed. Article—Carrying on of the treaty, p. 26.

torious Jacobite of the name of Findlay, who had formerly been a sergeant in the army, began to form themselves into military order, appointed officers, and were on the point of marching to Edinburgh, for the purpose of assisting to raise the parliament. The articles of the Union they publicly burnt, emitted a printed declaration in defence of their conduct, and a few of them, under Findlay, actually marched for Edinburgh. They returned, however, to Glasgow on the third day after they had left it, whither they were followed by about two hundred and forty dragoons, who carried Findlay, their general, with a person of the name of Montgomery, his associate in command, prisoners to Edinburgh castle, which brought the affair to a conclusion.*

A similar farce was about the same time acted at Dumfries, where the articles of Union were likewise committed to the flames, and a treasonable declaration emitted. This was done in the midst of some thousands of men in arms, who supposed themselves on the route for Edinburgh, to prevent, by breaking up the parliament, the ratification of this odious treaty. The arrival of this party at Edinburgh was sanguinely expected by the cavaliers, but the whole was a trick played off upon their credulity, being only the result of the intrigues of Ker of Keraland, a government spy, among a few well meaning country people, who, for a time, mistook him for an honest man, and whom, that he might with a better grace claim the reward of his villany, he thus for two or three days employed, after which he persuaded them peaceably to return to their rural occupations.†

Another manœuvre of the same kind was made by Cunningham of Eckatt, who had been a major in the army, afterwards one of the Darien adventurers, and at this time apparently without any profitable employment, for the want of which, he seems to have been very much a patriot. Pretending to have a powerful interest in the western shires, he proposed raising an insurrection there, at the head of which, he too was to march to Edinburgh, for the double purpose of raising the parliament, and restoring king James. To encourage him in these designs, Cochran of Kilmaronock, and Lockhart of Carnwath, advanced him fifty guineas, and gave him a promise, that in case any thing befell him in the prosecution of his purpose, they would provide for his wife and children. The duke of Hamilton was also engaged to lend him all his influence, and the duke of Athol was to bring up a large body of Highlanders to join him before entering the metropolis. Cunningham, of course, went to the west, where his progress was at first, as he alleged, somewhat impeded, in consequence of the government having gained over Mr. John Hepburn, who was the leader of a great body of presbyterians, but he was soon relieved, by discovering that the villany of Mr. Hepburn had been laid open by Mr. John Mackmillan, who was now become the oracle of these people, who, to the number of eight thousand men, armed and trained, were immediately to assemble at Hamilton, whence they were to proceed straight to Edinburgh. Of these eight

* Defoe's History of the Union, folio ed. pp. 58—71. Annals of Glasgow, by Dr. James Cleland, vol. ii. pp. 62, 63.

† Memoirs of John Ker, Esq. of Keraland, part i. p. 84.

thousand, through the secret practices of the duke of Hamilton, as was stated by Cunningham, only five hundred of the more ardent came forward, a force too small with which to take the field, and in consequence, the whole design was broken. The parliament, pretending to be alarmed at these warlike demonstrations, repealed the act of security, which at once put an end to them, as no body of men could afterwards appear in arms, without being liable to be taken up as rebels. Such is the history of this affair, as told by Lockhart, and after him by many others;* but we know that Mr. John Hepburn was never at any period of his life disposed to rise against the government, the authority of which, in things lawful, he maintained against Mr. Mackmillan, nor was he at any time deserted by his people; and Mr. Mackmillan, though he had been disposed to rise against the government, would have taken care that his rising should not advance the interests of James, whom he cordially hated, and for whom all this parade of preparation was made. If the reader will look back to the note, page xx., he will find in the list of those among whom the money sent down from the English treasury was divided, Cunningham set down for one hundred pounds, which we think sufficiently illustrates the nature of his transactions, and explains clearly the whole of this affair.

Knowing what they knew, it was impossible but that the members of administration must sometimes have smiled at this bustle of opposition. The duke of Argyle good humouredly recommended the petitions, that flowed in upon the house in such incalculable numbers, as particularly suited for the manufacture of paper kites, against the return of the season when they should be in request. The earl of Marchmont, less complacent, moved that they should be thrown out of the house, as being seditious libels upon the government; in which opinion the house seemed to agree, till Sir James Foulis of Collington, solemnly assured the members, that if these petitions were not received from the individuals intrusted with them, the subscribers would, at the door of the house, crave liberty to deliver them out of their own hands, which, as it would have been a very tedious process, the house wisely avoided by receiving them in their less ceremonious form.† They were also careful to obviate, in some degree, the only solid objection in them, by passing an act for the security of the church, and declaring it to be a fundamental article of the treaty, which, though its provisions did not come up to what presbyterians in general would have expected, and were very far short of what the Jacobites now wished to see conferred upon her, satisfied some, and greatly cooled the ardour of opposition in all.

On the first of November, it was moved that the house do now proceed to a further and more particular consideration of the articles of the treaty, all of which had already been read and discussed at considerable length. The great object of the cavaliers being delay, that they might have the benefit of the various demonstrations of public opinion above related, several of which had not yet been made, they again moved "that

* Lockhart Papers, vol. i. pp. 197—198.

† Ibid. p. 170.

the further consideration of these articles be postponed, till the sentiments of the parliament of England be known respecting them, and till the members of this house be more particularly instructed, by severally consulting their constituents." To second these views, a great number of addresses were this day presented, the reading of which, and the repetition of all the former arguments that had been used against the treaty, occupied the whole day, and the sederunt was closed by reading the first article, and agreeing that it should be resumed to-morrow. On the succeeding day, the first article of the treaty was again read, and having failed in all their former proposals, the cavaliers now, as the next and surest method of perplexing the house and procuring delay, proposed to begin with the security of the church. Defeated in this also, they lastly insisted upon having all the articles read and agreed upon, before they proceeded to ratify any of them. They particularly enlarged upon the danger of ratifying the first article, till they had agreed upon all the rest, as the parliament might be immediately dissolved, and Scotland would then be united to England without any terms whatever; and this most ridiculous supposition had like to have gained the ear of the house, till it was obviated by the lord Register, who made a motion "That the house do proceed to take the first article into consideration, with this proviso, that if all the other articles be not adjusted by the parliament, the agreeing to and approving of the first article shall be of no effect," which, after a keen debate, was at length carried.

The whole subterfuges of the cavaliers being now exhausted, the article itself came of necessity to be debated, and the united strength and talent of the party were brought into action on this occasion. Mr. Seton of Pitmedden, one of the commissioners for the treaty, opened the discussion with a speech of great good sense and moderation, in which he insisted, not so much on the utility of the treaty, though that was not forgotten, as upon its necessity—he went over the different plans that had been laid down for redeeming the country from that degradation into which it had fallen, and showed with great force of reasoning, that except an incorporating union, such as was now before them, not one of these plans would produce any lasting or salutary consequences. For the happy effects attendant on the incorporating of independent states, he appealed to Spain, formerly ten, France, twelve, England, seven, and Scotland herself two kingdoms, all of which had been indisputably benefitted by their coalescence. Confined to argumentation of this kind, the matter would have been very soon set at rest, for, generally speaking, there were no arguments could be brought to bear against the measure, but such as were founded in ignorance or prejudice—the honour of the nation, the subversion of the constitution, and, above all, the loss of independence, were the magical phrases which awakened the wildest emotions in the bosoms of the orators, and drew tears from the eyes of their transported hearers. "What!" exclaimed his grace the duke of Hamilton, with an enthusiasm that for the moment entranced even the bitterest of his opponents, "What! shall we in half an hour yield what our forefathers maintained with their lives and

fortunes for so many ages? Are there here none of the descendants of those worthy patriots who defended the liberty of their country against all invaders—who assisted the great king Robert Bruce to restore the constitution, and avenge the falsehood of England and usurpation of Baliol? Where are the Douglasses and the Campbells? Where are the peers? where are the barons once the bulwark of the nation? Shall we yield up the sovereignty and independency of the nation, when we are commanded by those we represent to preserve the same, and assured of their assistance to support us.”*

Fletcher of Salton was nothing behind the duke of Hamilton, either in vehemency of speech or of spirit; but the Demosthenes of the party was lord Belhaven, who melted the house with the most humiliating views, and pathetic details of that ruin which he saw treading on the heels of the treaty: —“ My lord chancellor,” he began, “ when I consider this affair of an union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberation at this time, I find my mind crowded with variety of very melancholy thoughts, and I think it my duty to disburden myself of some of them, by laying them before, and exposing them to the serious consideration of this honourable house.

“ I think I see a free and independent kingdom, delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were, to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other. I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and pointedest legal sanction that sovereignty could contrive—voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other sectaries. I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expenses, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect, than what was paid formerly to their quondam Maccallanmores. I think I see the present peers of Scotland, whose noble ancestors conquered provinces, overran countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the court of requests, like so many English attorneys; laying aside their walking swords when in company with the English peers, lest their self-defence should be found murder. I think I see the honourable estate of barons, the bold assertors of the nation's rights and liberties in the worst of times, now setting a watch upon their lips, and a guard upon their tongues, lest they be found guilty of *scandalum magnatum*. I think I see the royal state of boroughs walking their desolate streets, hanging down their heads under disappointment, wormed out of all the branches of their old trade, uncertain

* Lockhart Papers, vol. i. pp. 180, 181.

what hand to turn to, necessitated to become prentices to their unkind neighbours, and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein. I think I see our learned judges laying aside their practiques and decisions, studying the common law of England, gravelled with *certioraries nisi priuses*, writs of error, verdicts indover, *ejections firmæ*, injunctions, demurs, &c. and frighted with appeals and avocations, because of the new regulations and rectifications they may meet with. I think I see the valiant and gallant soldiery either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence as the reward of their honourable exploits; while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing. I think I see the honest industrious tradesman loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage, petitioning for encouragement to his manufactories, and answered by counter petitions. In short, I think I see the laborious ploughman with his corn spoiling upon his hands for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse. I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employments. I think I see our mariners delivering up their ships to their Dutch partners, and what through presses and necessity, earning their bread as underlings in the royal English navy. But above all, my lord, I think I see our ancient mother Caledonia, like Cesar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a *et tu quoque mi fili*.

Are not these, my lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonourable articles. Should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors' valour and constancy rouse up our drooping spirits? Are our noble predecessors' souls got so far into the English cabbage-stock and colliflowers, that we should show the least inclination in that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day, I say my lord, that in this our day, that we should not mind the things that concern the very being and well-being of our ancient kingdom, before the day be hid from our eyes? No, my lord, God forbid, man's extremity is God's opportunity. He is a present help in time of need, and a deliverer, and that right early. Some unforeseen providence will fall out, that may cast the balance; some Moses or other will say, "Why do ye strive together since ye are brethren?" None can destroy Scotland, save Scotland's self, hold your hands from the pen, you are secure. Some Judah or other will say "Let not our hands be upon the lad, he is our brother. There will be a Jehovah Jireh, and some ram will be caught in the thicket when the bloody knife is at our mother's throat, let us up then, my lord, and let our noble patriots behave themselves like men, and we know not how soon a blessing may come."

This was only the exordium of his lordship's speech, intended "to encourage a free and full deliberation, without animosities and heats." Full of this happy idea he proceeds, "That I may path a way, my lord, to a full and calm reasoning this affair, which is of the last consequence unto this nation, I shall mind this honourable house that we are the successors of our noble predecessors, who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate, and who, during the time of two thousand years, have handed them down to us a free independent nation, with the hazard of their lives and fortunes. Shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honour and glory? Shall the hazard of a father unbind the ligaments of a dumb son's tongue, and shall we hold our peace when our *patria* is in danger?" After much more to the same purpose, he adverts to the divisions which prevailed over the whole island, and to the immense wealth and growing prosperity of the English nation, in consequence of which, he thinks it will be hard to persuade them to a self-denial bill.

"It is quite otherwise," he continues, "with us, my lord, we are an obscure poor people, though formerly of better account, removed to a remote corner of the world, without name, and without alliances, our posts mean and precarious, so that I profess I do not think any one post of the kingdom worth the *briguing* after, save that of being commissioner to a long session of a factious Scots parliament, with an antedated commission, and that yet renders the rest of the ministers more miserable. What hinders us, then, my lord, to lay aside our divisions, to unite cordially and heartily together in our present circumstances, when our all is at the stake. Hannibal, my lord, is at our gates! Hannibal is come within our gates! Hannibal is come the length of this table! he is at the foot of this throne! he will demolish this throne! If we take not notice, he'll seize upon these regalia, he'll take them as our *spolia opima*, and whip us out of this house never to return again." *

This, with a great deal more to the same purpose, delivered with all the pomp of action, for his lordship, in the course of his speech, fell upon his knees and implored, paused, and wept—could not fail to produce a very powerful effect. Seton of Pitmedden rose to reply, but was prevented by the house, as contrary to the rule, that no member should speak twice in one day upon the same subject. The altercation which this occasioned, necessarily cooled the state of feeling into which the members had been wrought, and the earl of Marchmont, being declared in possession of the floor, by a reply odd and laconic, gave it at once an entirely opposite direction. "We have heard," said his lordship, "a very long speech, but it requires only a very short answer, Behold he dreamed, but lo! when he awoke, he found it was a dream." The house was at once convulsed with laughter, and time has completely justified the severity of his lordship's remark. Other speakers, however, succeeded, and the

* Defoe's Minutes of the Proceedings of the Scottish Parliament upon the Articles of Union, folio ed. pp. 39—39.

debate was adjourned till Monday, the fourth of November, when the first article was carried by a plurality of thirty-three voices. The duke of Athol entered his protest against this article, "As contrary to the honour, the interest, and fundamental laws and constitution of this kingdom, the birthright of the peers, the rights and privileges of the barons and boroughs, as contrary to the claim of right, property, and liberty of the subject, and third act of her majesty's parliament, 1703," &c. &c. To this protest, there adhered twenty-one lords, thirty-three barons, and twenty-nine burgesses, in all eighty-three.* It had been previously agreed

* To avoid repetition of names, we shall give the following list of the Scottish parliament as they divided on the first Article of the Union, November 4th, 1706, and upon all subsequent divisions the lists were nearly the same. No. I.—Those who voted for the Article. No. II.—Those who voted against it. The duke of Queensberry, being lord commissioner, had no vote, but he requested his name on every decision to be added to the list of approvers.

No. I.

LORDS.

<i>The Earl of Seafield, Lord Chancellor.</i>	<i>Earl of Galloway</i>	<i>Earl of Hoptoun.</i>
<i>Marquis of Montrose,</i>	<i>Earl of Wemyss.</i>	<i>Earl of Delorain.</i>
<i>L. P. C.</i>	<i>Earl of Dalhousie.</i>	<i>Earl of Ilay.</i>
<i>Duke of Argyll.</i>	<i>Earl of Leven.</i>	<i>Viscount Duplin.</i>
<i>Marquis of Tweeddale,</i>	<i>Earl of Northesk.</i>	<i>Viscount Carnock.</i>
<i>Marquis of Lothian.</i>	<i>Earl of Balcarras.</i>	<i>Lord Forbes.</i>
<i>Earl of Marr, Secretary.</i>	<i>Earl of Forfar.</i>	<i>Lord Elphinstoun.</i>
<i>Earl of London.</i>	<i>Earl of Kilmarnock.</i>	<i>Lord Rosa.</i>
<i>Earl of Crawford.</i>	<i>Earl of Kintore.</i>	<i>Lord Torphichen.</i>
<i>Earl of Sutherland.</i>	<i>Earl of Dunmore.</i>	<i>Lord Fraser.</i>
<i>Earl of Rothes.</i>	<i>Earl of Marchmont.</i>	<i>Lord Bamff.</i>
<i>Earl of Mortoun.</i>	<i>Earl of Hynford.</i>	<i>Lord Elbank.</i>
<i>Earl of Eglinton.</i>	<i>Earl of Cromarty.</i>	<i>Lord Duffus.</i>
<i>Earl of Roxburgh.</i>	<i>Earl of Stair.</i>	<i>Lord Rollo.</i>
<i>Earl of Haddington.</i>	<i>Earl of Roseberry.</i>	<i>Lord Register.</i>
	<i>Earl of Glasgow, Sh. Dep.</i>	<i>Lord Justice Clerk.</i>

BARONS.

<i>Sir Robert Dicksons of Inveresk.</i>	<i>William Dalrymple of Glenmuir.</i>
<i>William Nisbet of Dirletoun.</i>	<i>John Hadden of Glenagles.</i>
<i>John Cockburn, Jun. of Ormiston.</i>	<i>Mungo Grahame of Gerthy.</i>
<i>Sir John Swinton of that ilk.</i>	<i>Sir Thomas Barnet of Leyce.</i>
<i>Sir Alexander Campbell of Cesnock.</i>	<i>William Seton, jun. of Pitmedden.</i>
<i>Sir William Ker of Greenhead.</i>	<i>Alexander Grant, jun. of that ilk.</i>
<i>Archibald Douglas of Cavers.</i>	<i>Sir Kenneth Mackenzie.</i>
<i>William Bennet of Grubbet.</i>	<i>Æneas Macleod of Cathol.</i>
<i>John Murray of Bowhill.</i>	<i>John Campbell of Mammora.</i>
<i>John Pringle of Halaing.</i>	<i>Sir James Campbell of Auchinbreck.</i>
<i>William Morrison of Preston Grange.</i>	<i>James Campbell, jun. of Ardkinglass.</i>
<i>George Baillie of Jerviswood.</i>	<i>Sir William Anstruther of that ilk.</i>
<i>Sir John Johnston of Westerhall.</i>	<i>James Halyburton of Pitcar.</i>
<i>William Douglas of Dornock.</i>	<i>Alexander Abercrombie of Glasloch.</i>
<i>William Stewart of Castle Stewart.</i>	<i>William Maxwell of Cardross.</i>
<i>John Stewart of Sorbie.</i>	<i>James Dunbar, jun. of Hemprigs.</i>
<i>Francis Montgomery of Giffan.</i>	<i>John Bruce of Kinross.</i>
<i>John Montgomery of Wrae.</i>	<i>Mr. Robert Stuart of Tillycountry.</i>
<i>Sir Robert Pollock of that ilk.</i>	

BURGESSES.

<i>Sir Patrick Johnston.</i>	<i>Coll. Areskin.</i>	<i>James Scot.</i>
<i>John Scrymgeour.</i>	<i>John Muir.</i>	<i>Patrick Bruce.</i>

that the state of this, and all the succeeding votes, and a list of the members as they voted, should be regularly printed.

It was at this stage of the business that the act of security for the kirk was engrossed, and here the cavaliers exerted themselves for presbytery to the very utmost, offering and pressing many additional clauses to the act for its preservation, which could not be supposed to find much favour with those presbyterians who saw their meaning, which was not to secure presbytery, a system they had always considered as their bane, but to prevent the union, by irritating England, and by so stating

Sir John Areskin.
James Spittle.
Patrick Moncrieffe.
George Munro.
Sir Andrew Home.
William Coltran.
Sir Peter Halket.
Sir James Smollet.
William Carmichael.

Daniel Mackleod.
Sir David Dalrymple.
Sir Alexander Ogylvie.
John Clerk.
John Ross.
Sir Hugh Dalrymple.
Patrick Ogylvie.
George Allardice.
William Alvis.

Roderick Mackenzie.
John Urquhart.
Sir James Stewart.
Daniel Campbell.
Sir Robert Forbes.
Robert Douglas.
Alexander Maitland.
George Dalrymple.
Charles Campbell.

No. II.

LORDS.

Duke of Hamilton.
Duke of Athole.
Marquis of Annapdale.
Earl of Errol.
Earl Marischal.
Earl of Buchan.
Earl of Glencairn.

Earl of Wigton.
Earl of Strathmore.
Earl of Selkirk.
Earl of Kincardine.
Viscount Stermont.
Viscount Kilsyth.
Lord Semple.

Lord Oliphant.
Lord Balmerino.
Lord Blantyre.
Lord Barganey.
Lord Belhaven.
Lord Colvill.
Lord Kinnaird.

BARONS.

George Lockhart of Carnwath.
Sir James Foulis of Collington.
Andrew Fletcher of Salton.
Sir Robert Sinclair of Longformacus.
Sir Patrick Home of Renton.
Sir Gilbert Elliot of Minto.
William Baillie of Lamington.
John Sinclair, jun. of Stevenson.
John Sharp of Hoddam.
Alexander Ferguson of Isle.
John Brisbane of Bishoptone.
William Cochran of Kilmaronock.
Sir Humphrey Colquhoun of Luss.
Sir John Houstons of that ilk.
John Grahame of Killairn.
James Grahame of Buckleyvie.
Thomas Sharp of Houston.

Sir Patrick Murray of Auchtertyre.
John Murray of Strowan.
Sir David Ramsay of Balmain.
Alexander Gordon of Pittlurg.
James More of Stoniewood.
John Forbes of Culloden.
David Bethune of Balfour.
Thomas Hope of Rankellier.
Patrick Lyon of Auchterhouse.
James Carnegie of Phinhaven.
David Graham, younger, of Fintry.
James Ogylvie, jun. of Boyne.
Alexander Mackie of Palgoun.
Sir Henry Innes, jun. of that ilk.
Alexander Douglas of Eagleshaw.
George Mackenzie of Inchoulter.

BURGESSES.

Robert Inglis.
Alexander Robertson.
Walter Stewart.
Alexander Watson.
Hugh Montgomery.
Alexander Edgar.
John Black.
James Oswald.
Robert Johnstone.
Alexander Duff.

Francis Mollison.
Walter Scot.
George Smith.
Robert Scot.
Robert Kellie.
John Hutchinson.
William Sutherland.
Archibald Shiels.
John Lyon.
Dougal Stewart.

George Brodie.
George Spence.
Sir David Cunningham.
William Johnstone.
John Carruthers.
George Home.
James Bethune.
John Bayne.
Robert Fraser.

the articles as might secure their being rejected there in the end. Accordingly, lord Belhaven "did protest in his own name, and in name of all those who shall adhere to him, that this act is no valid security to the church of Scotland as it is now established by law in case of an incorporating union, and that the church of Scotland can have no real, solid security by any manner of union by which the claim of right is unhinged, our parliament incorporated, and our distinct sovereignty and independency abolished." This protest was adhered to by the principal leaders of the party, who were decided episcopalians, and had English episcopalians been equally void of honour and conscience with themselves, their opinion had certainly proved correct, as was mournfully experienced when the party, many of them the same individuals, attained to a share in the government a few years afterwards.

The second article, which established the succession to the crown as the same was established in England, was, if possible, still more keenly debated than the first. The cavaliers here recurred to their old scheme of limitations upon the successor, suited as they pretended, to the state and circumstances of the country; and here, as in the case of presbytery, arguing in the very teeth of their known principles, they advanced, almost in their abstract forms, many of the boldest and most startling doctrines of liberty, not that they really understood or relished these doctrines, but fearing that the English succession was to be adopted after all, they wished to extinguish the prerogatives of the crown out of hatred to Hanover, for if their darling James did not obtain it, the more contemptible it could be made, so much the better for them. They were on this occasion again supported by lord Belhaven, in the following singular strain of argument:—"I desire," said his lordship, "to be resolved what are the motives that should engage us to take England's succession upon their own terms? Is it not strange that no answer should be given to this question, save that when you come to consider the rest of the articles, you shall be satisfied on that demand. This is a new way of arguing, my lord,—a method without precedent, transversing nature; and looks more like design than fair play. I profess I think the huge and prodigious rains that we have had of late, have either drowned out, or found out another channel for reasoning than what was formerly, for by what I can see by this new method, the agreeing to the first article shall be a sufficient reason for agreeing to the second, and the agreeing to the second for the third, and so for all. If there was ever such a farce acted, if ever reason was Hudibrased—this is the time. Consult all the treatises since the beginning of the world to this day, and if you find any one precedent, I shall yield the cause.

"I shall instance, my lord, one for all, and that is the first and worst treaty ever was set on foot for mankind; and yet, I am sorry to say it, there appears more ingenuity in it than our procedure. When the serpent did deceive our mother Eve, he proposed three advantages before he presumed to advise her to eat the forbidden fruit. The first was taken from the sight, the second from the taste, and the third from the advantage following thereupon. That from the sight was enforced by a 'behold how lovely and comely a thing it is,' it is pleasant to the eye—

that from the taste, from a persuasion that it was good for nourishment, 'It is good for food,'—that from the advantage, 'It will make you wise, ye shall be as gods; therefore upon all these considerations eat.'

"Allow me, my lord, to run the parallel of this with relation to our procedure in the treaty. Upon the first account that our nation had of the treaty's being finished betwixt the two nations, people appeared all generally very well satisfied, as a thing that would tend to the removal of all jealousies, and the settling a good understanding betwixt the two kingdoms; but so soon as the articles of the treaty appeared in print, the very sight of them made such a change, as is almost inconceivable. They are so far from being pleasant to the eye, my lord, that the nation appears to abhor them. One would think, my lord, that it had been the interest of those who are satisfied with the thing, to have gone immediately into the merits of these particular articles which relate to Scotland, and to have said, Gentlemen, be not affrighted with their ugly shape, they are better than they are bonny—come, taste; come, make a narrow search and inquiry, they are good for Scotland, the wholesomest food that a decaying nation can take. You shall find the advantages—you shall find a change of condition—you shall become rich immediately—you shall be like the English, the most flourishing and the richest people of the universe.

"But our procedure, my lord, hath been very far from the prudence of the serpent, for all our arguments have run upon this blunt topic. Eat, swallow down this incorporating Union—though it please neither eye nor taste, it must go over; you must believe your physicians, and we shall consider the reasons afterwards. I wish, my lord, that our loss be not in some small manner proportionable to that of our first parents; they thought to have been incorporate with the gods, but in place of that, they were justly expelled paradise, lost their sovereignty over the creatures, and were forced to earn their bread with the sweat of their brows."*

Such reasoning was certainly very properly met by a call for the vote, upon which it could not reasonably be expected to have much influence. Accordingly, the second article was carried with the same ease as the first, though it was protested against by the earl Marischal, in terms of the act of security, which had already provided, "that no person could be designed successor to the crown of this realm, after her majesty's decease, and failing heirs of her body, and at the same time successor to the crown of England, unless, that in this, or any ensuing parliament during her majesty's reign, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of parliaments, the religion, liberty, and trade of this nation from English and foreign influence." The adherents to this protest were nearly, if not altogether, the same who adhered to that of the duke of Athol.†

The third article, which settled the representation of the kingdoms to

* Defoe's *Minutes of the Proceedings of the Scottish Parliament upon the Treaty of Union*, folio edit., p. 65—66.

† Lockhart Papers, vol. i. p. 181.

be by one and the same parliament, produced, on the part of the cavaliers, many sound and wholesome remarks, upon original contracts, constitutional and constituent rights, &c. &c. the one half of which, had they been previously reduced to practice, instead of the very worst, had made Scotland the very best governed country in the universe; but excellent as these axioms were, there was not one of the whole party, Fletcher of Salton excepted, with whom they had practically the weight of a feather. They were in their mouths mere figures of speech, framed to embarrass, but not intended to instruct or enlighten their opponents; and serving to impress the unthinking part of the community with reverential respect for their talents and their patriotism. Popularity had from the first dawn of their expectations, been an object of their particular attention, and every day brought new demonstrations how necessary it was to their success. Of course, the debate on this article was illuminated with prodigious flashes of seemingly disinterested feeling, and generous regard for the rights and privileges of all classes of the community, while, at the same time, it was darkened with the most hideous views of the tyranny and oppression that might naturally be expected from an English parliament. Nor was the article allowed to come to the vote, till the marquis of Annandale had entered a protest against it on the same grounds as the two former, but with the addition of "its being ruinous to the church as by law established, and as what would in no degree answer the peaceable and friendly ends proposed, but would, on the contrary, create dismal distractions and animosities among ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations in fatal breaches and confusions." This also was adhered to by the same names as the former two.*

Finding themselves thus completely over-matched in the senate, the cavaliers once more bethought themselves of calling in, from whatever quarter they could find it, some external aid—and for this purpose they adopted a measure, for which they found a precedent in the history of the minority of James V. This was to invite as many of the barons, freeholders, and heritors, as could be prevailed upon, to come to Edinburgh, that they might in a body wait upon the high commissioner, and by a prolocutor entreat his grace to lay aside the designed Union, at least, till they had informed the queen of the present temper and disposition of the nation, and obtained an order for calling a new parliament, to settle the present disturbances, and provide against the calamities that were but too certainly to follow them. A request of this kind, backed with such numbers as they contemplated, it was presumable, the commissioner would scarcely take it upon him to deny; and though he did, it was resolved that a national address, representing the same things, should be drawn up, as numerously signed as possible, and forthwith transmitted to the queen. This project originated with the duke of Athole and Fletcher of Salton—was recommended by the duke of Hamilton, and generally approved of. Every individual of the party, of course, was employed to warn his friends to come speedily forward. Mr. Henry Maule was

* Leckhart Papers, vol. i. p. 189.

chosen to be their prolocutor, an address was prepared to the queen, five hundred gentlemen were already come to Edinburgh, many hundreds more were upon the road, and to-morrow was appointed for putting the scheme in execution, when the whole was marred by the duke of Hamilton, who, except there was a clause added to the address intimating their being perfectly willing to settle the succession on the house of Hanover, absolutely refused to have any thing to do with it. The shock of an earthquake, or the bursting of a volcano, could not have had a more petrifying influence upon the party than this declaration. The perpetual bustle they had kept up for so many years—the unwonted stretches they had made, and were now making, had all along for their principal object the exclusion of Hanover, and explicitly to declare for him in the very outset of their new career, seemed absolutely impossible. Violent altercation was the natural result, and several days were spent attempting to compromise their differences. Their friends from the country, in the mean time, living in town at a vast expense and doing nothing, began to be uneasy, many of them returned home, and the government, coming to the knowledge of the fact, issued a proclamation discharging all such assemblages, which, being approved of by the parliament, completely baffled the whole scheme. This proclamation was protested against by George Lockhart of Carnwath, and adhered to by the whole body of the cavaliers.*

By this time the parliament had arrived at the twenty-second article of the treaty, approving every article as they came along, and it was evident the whole would be very soon brought to a conclusion. All means that could be thought of had been employed to retard and to defeat the measure, but in vain, and further opposition seemed hopeless, when the duke of Hamilton convened the leading men of his party, and in the most moving terms, exhorted them to make one effort more to save their dying country. He then proposed that the marquis of Anandale should renew his motion with regard to the succession to the crown, which, it was not doubted, would be rejected, when a protestation was to be entered and adhered to by the whole party, after which, they were to withdraw in a body from the house, never to return. The national address formerly proposed, when the barons should have waited on the commissioner, signed by as many hands as could possibly be obtained, was then to be transmitted to the queen, which, his grace assured them, would induce the English to drop the union if any thing would. He then presented the draught of a protestation, embracing generally all the arguments which had been brought against the treaty, which, with some hesitation, was finally agreed to. This protestation contained a clause in favour of the succession of the house of Hanover, on which account the duke of Athol refused to sign it, but he engaged to leave the house along with the party, and to join in all that should be afterwards thought to be necessary.

Every thing thus prepared, the next day, being the day appointed for making their last attempt to preserve the independence of the nation,

* Lockhart Papers, vol. i. pp. 203, 204.

was looked forward to with the deepest anxiety. There must have been by this time, however, a considerable change in the popular feeling, for it was thought necessary that a number of gentlemen, and of the better sort of citizens, should, on that morning, assemble round the parliament house, to wait upon, and to protect the separating members, in case they should be insulted and maltreated as they came from the house. The important morning so ardently desired, at length came, but the resolution of his grace, the duke of Hamilton, failed; he was attacked with toothach, and refused to leave his lodgings. The reproaches and the despair of his party at length prevailed on him to go to the house, but no entreaty could prevail upon him to enter the protestation, till the parliament had advanced so far that the attempt was considered hopeless, and of course was never made. This last disappointment completely disconcerted the whole party, and it was the more bitterly regretted, when it was afterwards found, that if the protestation had been given in, the ministry had resolved to dissolve the parliament, and relinquish the union as a hopeless undertaking.*

The conflict may be said to have been now at an end. The twenty-second article, though it occupied the house for three days, and was preceded by six protestations, was carried with little trouble. The remainder may be said to have been concluded without any opposition; and when the earl of Seafeld, the lord chancellor, signed the engrossed exemplification of the articles, he returned it to the clerk with this remark, "Now there's ane end of an auld sang."† The parliament pro-

* Lockhart Papers, vol. i. pp. 206—213.

† *Articles of Union between Scotland and England.*

The Articles of Union were agreed to on the twenty-second day of July, in the fourth year of the reign of Her most excellent Majesty, Anne, by the grace of God, Queen of Scotland, England, France, and Ireland, Defender of the Faith, &c. and in the year of our Lord, one thousand seven hundred and six, by the Commissioners nominated on behalf of the Kingdom of Scotland, under her Majesty's Great Seal of Scotland, bearing date the twenty-seventh of February, in pursuance of the fourth Act of the third session of her Majesty's current Parliament of Scotland, in the fourth year of her Majesty's reign; and the Commissioners nominated in behalf of the Kingdom of England, under Her Majesty's Great Seal of England, bearing date at Westminster, the tenth day of April; in pursuance of an Act of Parliament made in England, the third year of Her Majesty's reign, to treat of, and concerning an union of the said Kingdoms, which articles are, in all humility, to be presented to the Queen's most excellent Majesty, and offered to the consideration of the respective Parliaments of both Kingdoms, pursuant to the said Acts and Commissions.

I. That the two Kingdoms of Scotland and England shall, upon the first day of May next, ensuing the date hereof, and for ever after, be united into one Kingdom, by the name of Great Britain; and that the ensigne armorial of the said United Kingdom to be such as her Majesty shall appoint; and the crosses of St. Andrew and St. George be conjoined in such manner as Her Majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the Monarchy of the United Kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred issue, and in default of issue of Her Majesty, be, remain, and continue, to the most excellent Princess Sophia, Electress and Dutchess Dowager of Hanover, and the heirs of her body, being Protestants, upon whom the crown of England is settled by an Act of Parliament, made in England in the twelfth year of His late Majesty, King William III., entitled, an Act for the farther Limitation of the Crown, and better securing the Rights and Liberties of the Subject. And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy, the imperial Crown of Great Britain, and the dominions thereunto be-

ceeded to choose representatives for Scotland to the first British parliament, which was considered as an high aggravation of all its former delinquencies, and was protested against by the mortified and irritated cavaliers, as contrary to the twenty-second article of the union. The

longing, or any part thereof; and in every such case, the Crown, and Government shall, from time to time, descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same; in case such Papists, or person marrying a Papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another Act of Parliament, in England, in the first year of the reign of their late Majesties, King William and Queen Mary, entitled, an Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

III. That the United Kingdom of Great Britain be represented by one and the same Parliament, to be styled the Parliament of Great Britain.

IV. That all the subjects of the United Kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade, navigation, to and from any port or place within the said United Kingdom, and the dominions and plantations thereto belonging, and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

V. That all ships belonging to Her Majesty's subjects of Scotland, at the time of signing this treaty for the Union of the two Kingdoms, though foreign built, shall be deemed and pass as ships of the built of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months after the Union, making oath, that at the time of signing the said Treaty, the same did belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the places of their respective abodes, and that the same doth then belong to him or them, and that no Foreigner, directly or indirectly, hath any share, name, or interest, therein; which oath shall be made before the chief officer or officers of the Customs, in the port next the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same; and being registred by the said officer or officers, shall be delivered to the master of the ship for security of her navigation, and a duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the Customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

VI. That all parts of the United Kingdom, for ever, from and after the Union, shall have the same allowances and encouragements, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export, settled in England when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom.

VII. That all parts of the United Kingdom be, for ever, from and after the Union, liable to the same excises on all excisable liquors; and that the excise settled in England, on such liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. That from and after the Union, all foreign salt which shall be imported into Scotland, shall be charged at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner; but Scotland shall, for the space of seven years from the said Union, be exempted from the paying in Scotland for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in Scotland as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the like drawbacks and allowances, as in England; and, during the said seven years, there shall be payable in England, for all salt made in Scotland and imported from thence into England, the same duties upon the importation as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are; to be levied and secured in England, and that, during the said seven years, no salt whatsoever be brought from Scotland to England by land, in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying

duke of Hamilton, as the reward of his tergiversation, attempted to have himself elected as one of the representatives of the Scottish peerage, but was unable to effect it, the queen having given positive orders that none of her servants should give him any countenance, which

twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable jointly and severally; and the persons bringing or carrying the same, to be imprisoned by any one Justice of the Peace, by the space of six months, without bail, and until the penalty be paid; and that, during the said seven years, all salted flesh or fish exported from Scotland to England, or made use of for victualling ships in Scotland, and all flesh put on board in Scotland to be exported to parts beyond seas, which shall be salted with Scotch salt, or any mixture therewith, shall be forfeited, and may be seized; and that, from and after the Union, the Laws and Acts of Parliament in Scotland for pining, curing, and packing of herrings, white fish and salmon, for exportation, with foreign salt only, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the Parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, shall have the same cases, premiums, and drawbacks, as are or shall be allowed to such persons as export the like fish from England; and if any matters or fraud relating to the said duties on salt, shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

IX. That whenever the sum of one million nine hundred ninety-seven thousand seven hundred and sixty-three pounds eight shillings and fourpence halfpenny shall be enacted by the Parliament of Great Britain, to be raised in that part of the United Kingdom now called England, on land and other things usually charged in Acts of Parliament, these, for granting an aid to the Crown by a land tax, that part of the United Kingdom, now called Scotland, shall be charged, by the same Act, with a farther sum of forty-eight thousand pounds, free of all charges, as the quota of Scotland to such tax; and so proportionably for any greater or lesser sum raised in England; by any tax on land, and other things usually charged together with the land, and that such quota for Scotland in the cases aforesaid, be raised and collected in the same manner as the cess now is in Scotland, but subject to such regulations in the manner of collecting, as shall be made by the Parliament of Great Britain.

X. That during the continuance of the respective duties on stamp paper, vellum, and parchment, by the several Acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That during the continuance of the duties in England on windows and lights, which determines on the first day of August, one thousand seven hundred and ten, Scotland shall not be charged with the same duties.

XII. That during the continuance of the duties, payable in England, on coals, culm, and cinders, which determines the thirtieth day of September, one thousand seven hundred and ten, Scotland shall not be charged therewith for coals, culm, and cinders, consumed there, but shall be charged with the same duties, as in England, for all coal, culm, and cinders, not consumed in Scotland.

XIII. That during the continuance of the duty, payable in England, on malt, which determines the twenty-fourth day of June, one thousand seven hundred and seven, Scotland shall not be charged with that duty.

XIV. That the Kingdom of Scotland be not charged with any other duties, laid on by the Parliament of England, before the Union, except those consented to in this treaty; in regard, it is agreed, that all necessary provision shall be made by the Parliament of Scotland for the public charge and service of that Kingdom, for the year one thousand seven hundred and seven; provided, nevertheless, that if the Parliament of England think fit to lay any further impositions by way of customs, or such excises, as by virtue of this treaty, Scotland is to be charged equally with England. In such case, Scotland shall be liable to the same customs and excises, and have an equivalent, to be settled by the Parliament of Great Britain. And seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sorts of burthens on the United Kingdom, but what they shall find of necessity at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom, therefore it is agreed, there be no farther exemption insisted on for any part of the United Kingdom, but that the consideration of any exemptions, beyond what are already agreed

afforded no small gratification to many of his friends, who did not hesitate to declare, that for some such paltry expectations, he had betrayed them and his country's cause at the same time.

Thus was this great work, that had occupied the wisest heads and

on in this treaty, shall be left to the determination of the Parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the United Kingdom, will be liable to several customs and excises, now payable in England, which will be applicable towards payment of the debts of England, contracted as before the Union. It is agreed that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England, in all particulars whatsoever, in manner following, viz. that before the union of the said Kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings be granted to Her Majesty, by the Parliament of England, for the uses aftermentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises, upon all exciseable liquors with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs of Scotland, being thirty thousand pounds per annum, do bear to the customs in England, computed at one million three hundred forty-one thousand five hundred and fifty-nine pounds per annum. And which the present excises on exciseable liquors in Scotland, being thirty-three thousand and five hundred pounds, per annum, do bear to the excises on exciseable liquors in England, computed at nine hundred and forty-seven thousand six hundred and two pounds, per annum, which sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, shall be due and payable at the time of the Union; and, in regard, that after the Union, Scotland becoming liable to the same customs and duties, payable on import and export, and to the same excises on all exciseable liquors, as in England, as well upon that account, as upon the increase of trade and people, (which will be the happy consequence of the Union,) the said revenues will much improve, beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland. It is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear what ought to be answered to Scotland, as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the farther and more effectual answering the several ends hereafter mentioned, it is agreed, that from and after the Union, the whole increase of the revenues of custom and duties on import and export, and excise upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties, as above stated, shall go and be applied for the term of seven years for the uses hereafter mentioned, and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent in proportion to such part of said increase as shall be applicable to the debts of England. And, whereas, from the expiration of seven years after the Union, Scotland is to be liable to the same duties on salt made in Scotland, as shall be then payable for salt made in England. It is agreed, that when such duties take place there, an equivalent shall be answered to Scotland for such part thereof as shall be applied towards payment of the debts of England, of which duties, an account shall be kept, to the end it may appear what is to be answered to Scotland, as the said equivalent. And generally, an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay, by reason of the Union, other than such for which appropriations have been made by Parliament, in England, of the customs or other duties on export and import, excises on all exciseable liquors or salt, in respect of which debts, equivalents are herein before provided. And, as for the uses to which the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, to be granted as aforesaid, and all other monies which are to be answered or allowed to Scotland as aforesaid, It is agreed, that out of the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, all the public debts of the kingdom of Scotland, and also the capital, stock, or fund, of the African and Indian Company of Scotland, advanced, together with the interest of the said capital stock, after the rate of five pounds per cent. per annum, from the respective times of the payment thereof shall be paid. Upon payment of which capital stock and interest, it is agreed, the said company be dissolved and cease, and also that from the time of passing the Act of

the warmest hearts of both nations for so many ages, at length accomplished, in direct opposition to the great body of the Scottish people, and in a way, that, it must be admitted, reflects no great credit on the men by whom it was managed, who, far from seeing their way clearly, and

Parliament in England, for raising the said sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, the said company shall neither trade nor grant license to trade. And as to the overplus of the said sum of three hundred ninety-eight thousand eighty-five pounds ten shillings, after the payment of the said debts of the Kingdom of Scotland, and the said capital stock and interest, and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due, on account of the improvement thereof in Scotland, after the said term, and also as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland, by way of equivalent, for what that Kingdom shall hereafter become liable, towards payment of the debts of England. It is agreed, that the same be applied in manner following, *viz.* that out of the same, what consideration shall be found necessary to be had for any losses which private persons may sustain, by reducing the coin of Scotland to the standard and value of the coin in England, may be made good. And afterwards the same shall be wholly applied towards encouraging and promoting the fisheries and such other manufactures and improvements in Scotland, as may most conduce to the general good of the United Kingdom. And it is agreed, that Her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain for disposing the said sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, and all other monies which shall arise to Scotland upon the agreements aforesaid to the purposes before mentioned. Which Commissioners shall be empowered to call for, receive, and dispose, of the said monies, in manner aforesaid, and to inspect the books of the several Collectors of the said revenues and of all other duties, and from whence an equivalent may arise; and that the Collectors and Managers of the said revenues and duties be obliged to give to the said Commissioners, subscribed authentic abbreviats of the produce of such revenues and duties arising in their respective districts. And that the said Commissioners shall have their office within the limits of Scotland, and shall, in such office, keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects who may desire the same.

XVI. That from and after the Union, the coin shall be of the same standard and value throughout the United Kingdom, as now in England, and a Mint shall be continued in Scotland, under the same rules as the Mint in England, subject to such regulations as Her Majesty, Her Heirs or Successors, or the Parliament of Great Britain shall think fit.

XVII. That from and after the Union, the same weights and measures shall be used throughout the United Kingdom as are now established in England; and standards of weights and measures shall be kept by those boroughs in Scotland, to whom the keeping the standards of weights and measures now in use there, does of special right belong; all which standards shall be sent down to such respective boroughs from the standards kept in the Exchequer at Westminster, subject, nevertheless, to such regulations as the Parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises which Scotland is, by virtue of this treaty, to be liable to the same in Scotland from and after the Union as in England; and that, all other laws in use within the Kingdom of Scotland do, after the Union, and notwithstanding thereof, remain in the same force as before, (except such as are contrary to, or inconsistent with, the terms of this treaty,) but alterable by the Parliament of Great Britain, with this difference, betwixt the laws concerning public right, policy, and civil government, and those which concern private right: that the laws which concern public right, policy, and civil government, may be made the same throughout the whole United Kingdom; but that no alteration be made in the laws which concern private right, except for evident utility of the subjects within Scotland.

XIX. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming, within Scotland, as it is now constituted by the laws of that Kingdom, and with the same authority and privileges as before the Union, subject, nevertheless, to such regulations for the better administration of justice as shall be made by the parliament of Great Britain. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, re-

obviating the objections of their countrymen by the force of reason and truth, carried every thing by influence, and the cavaliers, after they had mustered up what they considered unanswerable arguments, were most commonly silenced with the vote, which was sure to go against

main in all time coming within Scotland, as it is now constituted by the laws of that Kingdom, and with the same authority and privileges, as before the Union, subject, nevertheless, to such regulations as shall be made by the Parliament of Great Britain, and without prejudice of other rights of Justiciary. And that all Admiralty jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty of Great Britain for the time being. And that the Court of Admiralty, now established in Scotland, be continued, and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that Court, remain in the same manner after the Union, as now in Scotland, until the Parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole United Kingdom, so as there be always continued in Scotland a Court of Admiralty such as is in England, for determination of all maritime cases relating to private rights in Scotland, competent to the jurisdiction of the Admiralty Court, subject, nevertheless, to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that the heritable rights of Admiralty, and Vice-Admiralties in Scotland, be reserved to the respective proprietors, as rights of property; subject, nevertheless, as to the manner of exercising such heritable rights, to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain. And that all other Courts, now in being within the Kingdom of Scotland, do remain, but subject to alterations by the Parliament of Great Britain; and that all inferior Courts within the said limits, do remain subordinate, as they are now to the Supreme Courts of Justice within the same, in all time coming. And that no causes in Scotland be cognoscible by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster Hall; and that the said Courts, or any other of a like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the Judicature within Scotland, or stop the execution of the same; and that there be a Court of Exchequer in Scotland, after the Union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be settled by the Parliament of Great Britain, in Scotland, after the Union, and that after the Union, the Queen's Majesty and her Royal successors, may continue a Privy Council in Scotland, for preserving of public peace and order, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heritable offices, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty.

XXI. That the rights and privileges of the Royal Burghs of Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof.

XXII. That, by virtue of this treaty of the peers of Scotland, at the time of the Union, sixteen shall be the number to sit and vote in the House of Lords, and forty-five, the number of the representatives of Scotland, in the House of Commons of the Parliament of Great Britain. And that, when Her Majesty, her heirs or successors, shall declare her, or their pleasure, for holding the first, or any subsequent Parliament of Great Britain, until the Parliament of Great Britain shall make further provision therein, a writ do issue, under the great seal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five members to be elected to sit in the House of Commons of the Parliament of Great Britain, according to the agreement in this treaty, in such manner as, by the Parliament of Scotland, shall be settled before the Union; and that the names of the persons so summoned and elected, shall be returned by the Privy Council of Scotland into the Court from whence the said writ did issue. And that, if Her Majesty, on or before the first day of May next, on which day the Union is to take place, shall declare, under the great seal of England, that it is expedient that the Lords of Parliament in England, and Commons of the present Parliament of England.

them; hence Lockhart has sarcastically remarked, "that the courtiers had ears and would not hear, hearts and would not understand; nay, mouths but would not speak." In many cases, indeed, this silence was wise, for the greater part of the topics which the cavaliers insisted on,

should be the Members of their respective Houses of the first Parliament of Great Britain, for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain, for and on the part of England. And Her Majesty may, by her Royal proclamation, under the great seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such time and place as Her Majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of such Parliament being so appointed, a writ shall be immediately issued, under the great seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen Peers, and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great Britain. And the Lords of Parliament in England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the manner agreed on in this treaty, and the Members of the House of Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five members being elected and returned in manner agreed on in this treaty, shall assemble and meet respectively in their respective Houses of the Parliament of Great Britain, at such time and place as shall be so appointed by Her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued if the Union of the two Kingdoms had not been made, unless sooner dissolved by Her Majesty. And that, every one of the Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take their respective oaths, appointed to be taken instead of the oaths of allegiance and supremacy by an Act of Parliament made in England in the first year of the reign of the late King William and Queen Mary, entitled, an Act for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, and make, subscribe, and audibly repeat, the declaration mentioned in an Act of Parliament made in England, in the thirtieth year of King Charles II., entitled, an Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament, and shall take and subscribe the oath mentioned in an Act of Parliament made in England, in the first year of Her Majesty's reign, entitled, an Act to declare the Alterations in the Oath appointed to be taken by the Act, entitled, an Act for the further Security of His Majesty's Person, and the Succession of the Crown in the Protestant line; and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors; and for declaring the association to be determined at such time, and in such manner, as the Members of both Houses of Parliament of England are, by the said respective Acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective Acts contained: and it is declared and agreed, that these words, this realm, the crown of this realm, and the Queen of this realm, mentioned in these oaths and declaration contained in aforesaid Acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that, in that sense the said oaths and declaration be taken and subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. That the foresaid sixteen Peers of Scotland, mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great Britain shall have after the Union, and particularly the right of sitting on the trials of Peers: and in case of the trial of any Peer in the time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial as any other Peer of Great Britain; and that in case any trial of Peers shall hereafter happen when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain; and that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be Peers of Great

and particularly those that were the oftenest repeated, were so grossly absurd, as to be unworthy of a serious reply; but there were many things objected to, that might have been happily illustrated, and brought within the grasp of the public mind by sober argument and free discussion,

Britain, and have rank and precedence next, and immediately after, the Peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers, as fully as the Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

XXIV. That from and after the Union, there be one great seal for the United Kingdom of Great Britain, which shall be different from the seal now used in either Kingdom, and that the quartering the arms as may best suit the Union, be left to her Majesty. And that, in the meantime, the great seal of England be used as the great seal of the United Kingdom, and that the great seal of the United Kingdom be used for sealing writs to elect and summon the Parliament of Great Britain, and for sealing all treaties with foreign Princes and States, and all public acts, instruments, and orders of State, which concern the whole United Kingdom; and in all other matters relating to England, as the great seal of England is now used. And that a seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants which have usually passed the great seal of Scotland, and which only concern offices, grants, commissions, and private rights, within that Kingdom; and that until such seal be appointed by Her Majesty, the present great seal of Scotland shall be used for such purposes. And that the privy seal, signet, casset, signet of the Justiciary Court, quarter seals, and seal of Courts, now used in Scotland, be continued; but that the said seals be altered and adapted to the state of the Union, as Her Majesty shall think fit. And the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the Parliament of Great Britain shall hereafter make.

XXV. That all laws and statutes in either Kingdom, so far as they are contrary to, or inconsistent with, the terms of these Articles, or any of them, shall, from and after the Union, cease and become void; and shall be so declared to be, by the respective Parliaments of said Kingdoms.

Follows the tenor of the foresaid Act for securing the Protestant religion and Presbyterian Church Government:—

Our Sovereign lady and the estates of Parliament, considering that by the late Act of Parliament for a treaty with England for an union of both Kingdoms, it is provided that the Commissioners for that treaty should not treat of, or concerning any alteration of the worship, discipline, and government of the Church of this Kingdom, as now by law established, which treaty being now reported to the Parliament; and it being reasonable and necessary that the true Protestant religion, as presently professed within this Kingdom, with the worship, discipline, and government of this Church should be effectually and unalterably secured; therefore Her Majesty, with advice and consent of the said estates of Parliament, doth hereby establish and confirm the said true Protestant religion, and the worship, discipline, and government of this Church to continue without any alteration to the people of this land in all succeeding generations; and more especially, Her Majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms the fifth Act of the first Parliament of King William and Queen Mary, intituled, an Act ratifying the Confession of Faith, and settling Presbyterian Church Government, with the hail other Acts of Parliament relating thereto, in prosecution of the declaration of the estates of this Kingdom containing the claim of right, bearing date the eleventh of April one thousand six hundred and eighty-nine; and Her Majesty, with advice and consent foresaid, expressly provides and declares, that the foresaid true Protestant religion contained in the above-mentioned Confession of Faith, with the form and purity of worship presently in use within this Church, and its Presbyterian Church government and discipline, that is to say, the government of the Church by Kirk Sessions, Presbyterie provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the claim of right, shall remain and continue unalterable; and that the said Presbyterian government shall be the only government of the Church within the Kingdom of Scotland. And, further, for the greater security of the foresaid Protestant religion, and of the worship, discipline, and government of this Church, as above established, Her Majesty, with ad-

which were totally neglected. The federal Union, of which many were so very fond, might easily have been demonstrated, from their own showing, to have been ineligible; and, at any rate, the evils that were pointed out, particularly with regard to the church, and the predicament in which her members were to be placed by the treaty as it stood, ought to have been attended to, and the aid that was proffered for preventing them, though proffered with no friendly intentions, accepted. In this respect,

vice and consent foresaid, statutes and ordains that the Universities and Colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this Kingdom for ever. And, that in all time coming, no Professors, Principals, Regents, Masters, or others bearing office in any University, College, or School, within this kingdom, be capable, or be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed, or to be prescribed by the Acts of Parliament. As also, that before, or at their admissions, they do, and shall acknowledge and profess, and shall subscribe to the said Confession of Faith, as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this Church, and submit themselves to the government and discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same, and that before the respective Presbyteries of their bounds, by whatever gift, presentation, or provision they may be thereto provided. And, further, Her Majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this Kingdom shall be liable to, but all and every one of them for ever, free of any oath, test, or subscription within this Kingdom, contrary to, or inconsistent with the foresaid true Protestant religion and Presbyterian Church government, worship, and discipline, as above established, and that the same, within the bounds of this Church and Kingdom, shall never be imposed upon, or required of them, in any sort. And, lastly, that after the decease of Her present Majesty, whom God long preserve, the Sovereigns succeeding to Her in the royal government of the Kingdom of Great Britain, shall in all time coming, at his or her accession to the Crown, swear and subscribe that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, right, and privileges of this Church, as above established by the laws of this Kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this Act of Parliament, with the establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two Kingdoms, without any alteration thereof, or derogation thereto, in any sort, for ever. As also, that this Act of Parliament and settlement there contained, shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two Kingdoms, and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above written, Her Majesty, with advice and consent foresaid, statutes, enacts, and ordains to be, and continue in all time coming, the sure and perpetual foundation of a complete and entire union of the two Kingdoms of Scotland and England, under this express condition and provision, that the approbation and ratification of the foresaid Articles and Act shall be no ways binding on this Kingdom, until the said Articles and Act be ratified, approved, and confirmed by Her Majesty, with and by the authority of the Parliament of England, as they are now agreed to, approved, and confirmed by Her Majesty, with and by the authority of the Parliament of Scotland, declaring, nevertheless, that the Parliament of England may provide for the security of the Church of England, as they think expedient, to take place within the bounds of the said Kingdom of England, and not derogating from the security above provided for establishing of the Church of Scotland within the bounds of this Kingdom. As also, the said Parliament of England may extend the additions and other provisions contained in the Articles of Union, as above insert, in favours of the subjects of Scotland, to and in favours of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland. And, lastly, Her Majesty enacts and declares, that all laws and statutes in this Kingdom, so far as they are contrary to, or inconsistent with the terms of these Articles, as above mentioned, shall from and after the Union cease and become void.

indeed, better terms ought to have been obtained. In all civil respects, the treaty, on the part of England, was liberal, and worthy of the great statesmen with whom it originated; but with regard to religion, it was the very reverse. It argued on the part of the English ministry, certainly no small degree of confidence, to require Scotland to guarantee the perpetuity of a system of avaricious superstition, which she had by solemn oath become bound never willingly to submit to at home, nor to give any active countenance to abroad; and it was, and is, degradation, which our language, copious as it is, has not words sufficiently to express, for Scotchmen and presbyterians to be compelled to swear anti-christian oaths of supremacy, and take the sacramental test, when bearing the commission, and going about the affairs of an independent nation.

Witnessing, however, such things submitted to even in these days of untrammelled liberty, and of unvailed illumination, we may well be allowed to drop a forgiving tear over the less complex and less guilty actings of our fathers, hemmed in as they were between the Scylla of slavery and persecution on the one hand, and the Charybdis of anarchy and conquest on the other. It must not be overlooked, that of the numerous body designated by the name of cavaliers, and many of those that adhered to what was called the country party, who in their despair advanced some of the first principles of liberty, there was not one but was at bottom the advocate of passive obedience, and unalienable infeasible hereditary right, Fletcher of Salton excepted, and he again was poisoned with democracy and deism. An enthusiast for the ideal liberty of the Grecian republics, he was a very fit advocate for what at that time was dignified with the names of Scottish liberty and independence, which consisted in the nobles having the power of trampling upon the king, the barons, and upon one another as occasion offered—and the barons or lairds trampling upon their tenants or dependants so long as it was their pleasure, and hanging or drowning them when it was for their real or supposed profit. What kind of a philanthropist he was, may be inferred from this, that he could devise no remedy for that overflowing pauperism which the misrule of so many ages had produced, but to reduce the poor to absolute slavery, and divide and domesticate them upon the lands of the different proprietors. His plan for civilizing the Highlands is strongly illustrative of the same ferocity of character. "It were to be wished," he says, "that the government would think fit to transplant that handful of people and their masters, who have always disturbed our peace, into the low country, and people the Highlands from hence." He was a man, indeed, who had imbibed ideas far beyond those that were common either to his age or country, but, like the greater part of men possessed of superior genius, was more fanciful than solid—more speculative than practical. He had, moreover, a defect of temper, that rendered him of little utility as a coadjutor in the management of public affairs, being tenacious to a tittle of his own views, however extravagant or impracticable. He was also irascible to the last degree. So far did this unhappy failing carry him, that after coming to England with the unfortunate duke of Monmouth, 1685, in an altercation with the mayor of Lime, about a horse that had been impressed into

the service of the party, he drew forth a pistol and shot him, in consequence of which, his services, however valuable they might have been, were lost to the cause in which he was engaged, as he was necessitated, to escape the odium of the act, to return to Holland. On another occasion we find him collaring John earl of Stair, in the parliament house, on account of an expression which he was pleased to say glanced at him, and demanding satisfaction on the spot.* From such a man, what was to be expected? Or what policy could be practised towards him, but to stand as much at a distance, and run the hazard of as few duels with him as possible? All these circumstances taken together, go far to excuse the Scottish ministry of that period, for being suspicious of every proposal made by the party in opposition to them, and shy of taking their assistance, though on some occasions they might have done so with advantage.

It ought also to be considered, that from the temper displayed by the cavaliers, who all at once seemed to take the interest and the glory of the country so much to heart, there was scarcely an alternative for all who truly valued liberty and religion, but to accept of the Union, though the terms had been much less advantageous than they really were. It was impossible that such men as Sunderland, Somers, Halifax, Godolphin, and Cowper, who were at this time the chief managers of English affairs, should not have seen the scheme that was thus maturing under the mask of patriotism, and if they had entertained any doubts on the subject, the act of security, with others of the same stamp that accompanied it, could not have failed to have set all these doubts at rest. It could not fail to strike the most superficial observer, that something more was meant by that act, bold as it was, than met the ear; and taken in connexion with the refusal to settle the succession, it was not difficult to see what that something was. England had declared for Hanover, which was more afflictive to the present race of Scottish patriots than the loss of Darien, or the want of any of those privileges for which they were clamouring so loudly; and having obtained this act for putting the nation into military array, they intended by and by to declare for James, and with the aid of the English Jacobites, hoped not only to defeat the protestant succession, but to obtain the ascendant in both countries, and thus to be enriched, not by trade, which, with all the noise they made about it, they hated and despised, but by lucrative places, liberal pensions, and the estates of their opponents, the leading men among whom they had already doomed to the gallows or the stake. This design was certainly not a little dangerous, more especially as it was, by the duplicity of the party, so covered, that the greater part of the whigs, blinded by their prejudices, were promoting it with all their influence as conducive to their own views. The English nation in general, however, saw the purpose that was intended to be accomplished clearly, and her legislature took immediate measures to defeat it, by passing the bill we have already noticed, declaring, that no Scotchmen, not resident in England, should enjoy the privileges of Englishmen till such time as an union should

* *Life and Political Opinions of Fletcher of Saltoun, &c. &c.*

be concluded, or the succession to the crown settled as it had been in England. Her majesty was, at the same time, advised to put the town of Newcastle in a proper state of defence—to secure the port of Tyne-mouth, and to repair the fortifications of Carlisle and Hull. It was also requested that the militia of the four northern counties should be called out, a competent number of regular troops stationed on the borders, and a squadron of ships ordered to cruise on the Scottish coast to shut up her commerce and prevent her from communicating with France. These measures, happily, were never put into execution, the Scottish parliament having appointed commissioners for the Union, which occasioned the repeal of the act by which they were authorized, before the time specified for their commencement arrived. Had it been otherwise, the consequence would in all probability have been a war between the two countries, the result of which could scarcely have been other than fatal to Scotland, and she must have submitted to such terms as the conquerors chose to impose upon her.

It is also worthy of remark, that the benefits of the Union were greatly retarded, and all the evils that unavoidably attended it increased and accelerated, by that detestable faction which laboured so assiduously to prevent its completion. The treaty itself was planned by consummate wisdom, and great liberality on the part of the English, and by Englishmen has, for the most part, been executed with good faith. There was no attempt made to infringe it in the smallest particular, till the Scottish Jacobites, by a protracted series of intrigues, and a new train of perjuries, wriggled themselves into power in the last and disastrous years of queen Anne, and probably, to fulfil in some degree their own predictions, as well as to forward the interests of the pretender, kept trenching upon it every day, till happily the sudden death of the queen put an end to their power, and gave their villanous practices another direction. Since that time no further attempts have been made upon it, and the encroachments then made, as they were, even by the unprincipled faction that made them, admitted to be contrary to its spirit, and were avowedly intended to promote its dissolution, might have been long since rectified, had those whom they most deeply concerned, shown any thing like zeal or cordiality in the matter. Upon the whole, though we neither approve of that bribery and corruption by which this union was established, nor dare pronounce it in all respects perfect, we admit that few treaties have been made in the world, that have been productive of so many blessings. The most deeply felt evils that attended it—and no great political change can be effected without encountering evils of considerable magnitude—were transient and local; its benefits have been permanent and universal. It has given competence to the cottage, elegance to the palace, and stability to the throne. It has imparted health to the body politic, and a resistless energy that has been felt and acknowledged in every quarter of the world; and it has been a principal mean of establishing that heaven-derived flame, whose vivifying heat, emanating from the shores of Britain, is already felt in many distant lands, and the light of which, we trust, shall at no distant period irradiate the utmost ends of the earth.





JAMES STUART.
THE CHEVALIER DE ST GEORGE.

Engraved by M. Page.

From an Original Picture by Anthony Van Dyck, in the possession of Earl Brouncker.

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THE
HISTORY OF SCOTLAND.

BOOK I.

1707—1708.

National feelings consequent on the Union—Intrigues of the French court—Negotiations of colonel Hooke—Meeting of the first Union Parliament—Preparations for invading Scotland—French fleet chased by admiral Byng—Dispersed, and partly destroyed, in a tempest—Dissolution of Parliament—New Parliament and its proceedings—Retrospect of ecclesiastical affairs—The old Dissenters—Mr. John Hepburn—The General Assembly of the Church of Scotland.

THE treaty of Union having been ratified by the legislature of both countries, the Scottish parliament was dissolved on the twenty-eighth day of April, and on the first day of May, one thousand, seven hundred, and seven years, the kingdoms of Scotland and England became one, henceforth to be designated the Kingdom of Great Britain. This, though an event that, properly modified, had long been desired by the wise and the good of both nations, was one that could not fail, in the nature of things, to excite painful reflections, if not tumultuary and angry feelings, in the bosoms of the less enlightened, especially among Scotchmen, who being of the weaker party, and most likely to be benefited by the measure, had, perhaps, according to the general constitution of our nature, the best right to be, or to pretend to be, very much offended. Scotland, though the poorer, was by much the more ancient of the two kingdoms, having subsisted, according to her best historians, as an independent nation, from a period prior to the Christian era. When her more opulent, but less spirited sister, bent beneath the power, and submitted to become the pupil of Rome, she, intrenched among her barren heaths, and behind her snow-clad mountains, bade defiance to the conquerors of the world, preferring wild, sometimes lawless, liberty and independence, to

submission, though accompanied with security and civilization. True, indeed, she had maintained this independence with extreme difficulty, and, through the imbecility and obstinacy of her last dynasty of kings, it had been reduced to a mere shadow; but still it bore the name, and with men in general, though we may lament, we cannot deny the fact, that names are all in all.

At the same time it must be admitted, that there was, in the circumstances of the case, much to excite regret in the most peaceably disposed, and to awaken suspicion among the best informed and most conscientious part of the community. Twenty years had yet scarcely elapsed since the abdication of James VII. put an end to a tyranny, civil and ecclesiastic, the most relentless that had ever afflicted a nation professing to be Christian, and on that occasion, the managers, both in church and state, had sat down upon a constitution far short of what had been previously attained, and of what, after so much bitter experience, might reasonably have been expected. Instead of being guided by those clear and determinate principles which had been unfolded by the Reformers and patriots of a former and a better day, and which had been sealed with the blood of the noble host of confessors and martyrs of the Scottish church, they had given themselves up to fancied maxims of interest and expediency, in consequence of which, while they duped themselves, they disappointed the just expectations of the people. Far from exploring the sources of so many evils, and purging out from among them, those who had been the abettors of such profligate apostasy, and the ministers of such wanton tyranny, every thing like inquiry was studiously avoided, and every incumbent, provided his morals were at all tolerable, who was willing to abide by, or, in other words, to receive his salary upon the footing of the new order of things, remained in his place;* thus adding to the already enormous catalogue of public evils, the guilt of open falsehood and undisguised hypocrisy. The consequences, which had already become ap-

* See declaration by the moderator, that this assembly would depose no incumbents, simply for their judgment anent the government of the church &c. Unprinted Acts of Assembly, 1690, Ses. 6th.

parent, were exactly such as might have been expected. Luke-warm indifferency was applauded as moderation and good sense, while intrepid honesty was stigmatized as bigotry, or at best, but ill timed and unnecessary scrupulosity. Alienations of the popular right were thus artfully placed under the protection of the popular voice; and, instead of showing any disposition to recover that which had been lost, every new leader gave proofs of his sordid servility, by the facility with which he could sacrifice more. This was the case especially with the church, nor was the state in a whit more promising condition.

Unfortunately for Scotland, English gold, from a very early period of her history, possessed too much attraction for the patriotism and public spirit of many of her sons. This had often been mournfully experienced, even when the nation was inflamed by the rivalry of ambition, and, from a sense of reiterated injuries, wrought up to a feeling of the bitterest animosity. That upon the union of the crowns, and the consequently increased intercourse between the two countries, this attraction should either have been weakened in itself, or have become less effectual upon those who were exposed to its influence, it would certainly have been foolish to expect. On the contrary, it appears to have been prodigiously increased. Brought into immediate contact with the English nobility, all that extortion could wring from their numerous, but naked, and indolent retainers, was insufficient to cover the poverty of the Scottish chieftains, while their ostentatious and haughty demeanour, at the same time that it manifested their pride, rendered it disgusting and contemptible. Places and pensions under the richer government, became, of course, the sole aim of the Scottish nobility, and rivalry in the pursuit of these objects, proved a source of accumulating misery to their unfortunate country. Every page of Scottish history, under the reigns of James VI., the two Charleses, and James VII., confirms this melancholy statement, and it was the dexterous management of this pitiful thirst for gold, by the English ministry, that at length accomplished an union, that had been so long desired, and so often attempted in vain.

It is impossible, however, for any government, be its administrators ever so profligate, and its means of corruption ever so

abundant, to satisfy, in this way, all the clamorous expectants, who from birth, wealth, or fancied importance, will think themselves entitled to its particular notice, especially when, as was now the case in Scotland, these expectants are very numerous, and their claims almost equally balanced. In all such cases, in proportion as the successful expectant is gratified, the unsuccessful one will be mortified and enraged, and this rage and mortification, when he has many fellows, he will be at little pains to conceal, though he will be careful, lest he should lose his revenge, to clothe them with names of gentle, or of imposing import, and to back them with pretensions, that, however false or foolish they be, are found by experience to be always prevalent with mankind. Society is never, at any period, or in any place, so happily constituted, as not to supply materials for such unworthy purposes, but never, perhaps, did any country afford more complete scope for the exercise of this pernicious ingenuity than did Scotland at this time. The absence of her monarchs, and of course of her principal gentry, for nearly a century, part of which had been imbittered by violent internal warfare, and a still more extensive portion by an odious tyranny, alike destructive to the lives and the properties of the people, had paralyzed her industry, crippled her commerce, and carried any surplus arising from her yet infant agriculture, to be spent in a foreign land. The administration of the Middletons, the Lauderdales, Rotheses and Perthes, aided by the Dalziels, the Grahams, the Griersons, the Johnstons and the Bruces, with their assistant hordes of barbarians, had impoverished a great part of the country, particularly the western shires, to such a degree, that, notwithstanding the indemnifications granted by the revolution parliament, many respectable families were reduced to the verge of beggary. A course of untoward seasons too, had added greatly to the general distress, and England, unlucky England, with her intrigues and connexions, was charged by the popular voice, as having occasioned the whole.

The union, of course, so far from being regarded as a blessing, was looked upon as a curse, confirmatory of all the evils under which the nation had groaned for ages, and its dissolution considered an end so desirable, as almost to war-

nant the use of any means for its attainment. By genuine presbyterians, though one of its most ostensible ends was, the securing the Protestant succession, to which they were most sincerely attached, it was regarded with horror, as involving the nation in the guilt of a partial, if not in a formal, renunciation of the covenants, National, and Solemn League, the indissoluble obligations of which the most lax among them had not, as yet, ever thought of calling in question; and though the church of Scotland concurred in it, upon having her establishment made an unalterable article thereof, she lost, by so doing, the favour and the support of many of her sons, which to this day she has not been able to regain. By Episcopalians and Papists it was abhorred, as trampling upon what they accounted peculiarly sacred, indefeasible hereditary right; and the nobility, even many of them who had basely sold themselves to promote the measure, when they beheld the annihilation of the parliament, and the dissolution of the whole frame of government, feeling the loss of influence, and the degradation of their order, felt the most pungent regret, and would most gladly have retraced their steps. The merchant, from the total loss of trade, which was now diverted into new channels, where, though he had possessed the inclination, he had neither the skill nor the capital necessary for following it, partook of the same regrets in a still higher degree, as did the whole body of the people, from their abhorrence of the multitude of taxes and taxgatherers, with which they felt themselves in every department surrounded and daily insulted.

This universal feeling of dislike, was also greatly aggravated by the manner in which the union was carried into effect. Though the management of the Scottish revenue was to fall into the hands of the English administration on the 1st of May, commissions were neither made out, nor officers appointed to execute them, so that the whole trade of Scotland was suspended for nearly three months—nor was even the equivalent remitted, till after the lapse of the same period.* The commission-

* In the XV. Article of the Treaty of Union, "It is agreed that Scotland shall have an Equivalent for what the subjects thereof shall be charged towards payment of the said debts of England, in all particulars whatever, in

ers also, when they were appointed, whether for the excise, the customs, or even for managing the equivalent, were not at all such as a prudent respect for the prejudices of the people would have selected. Instead of being men eminent for political wisdom, good manners, and moral dignity, who might have conciliated the refractory, soothed the wayward, and awed into submission the petulant and the presumptive part of the community, they appear to have consisted of the refuse of both countries,* Scotchmen who, by obsequious servility and interested fawning, had rendered themselves odious to all classes of their countrymen, with Englishmen, who, no longer able to subsist at home, were willing to undertake a pilgrimage to this land of barbarity and barrenness, as the last resource of sordid souls, to prolong, at whatever expense, the last dregs of an existence already swallowed up in misery. From such characters, placed in circumstances of peculiar difficulty, filling

manner following, *viz.* that before the Union of the said kingdoms, the sum of three hundred, ninety-eight thousand and eighty-five pounds, ten shillings, be granted to her Majesty, by the Parliament of England, for the uses after mentioned, being the Equivalent to be answered to Scotland, for such parts of the customs and excises, upon all exciseable liquors with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of England, according to the proportions which the present customs of Scotland, being thirty thousand per annum, do bear to the customs in England, computed at one million, three hundred forty-one thousand, five hundred and fifty-nine pounds per annum."

* "A set of commissioners was appointed, one for managing the customs, the other the excise of Scotland, consisting partly of English and partly of Scotsmen, though these latter had no pretensions to entitle them to that name, save their being born in that country; they and all that were employed afterwards as commissioners for managing the equivalent, or advanced to any of the new posts, being downright renegadoes, and rewarded on no other account, than the assistance they gave in selling their country. At the same time, vast numbers of surveyors, collectors, waiters, and in short, all or most of the officers of the customs and excise, were sent down from England, and these, generally speaking, the very scum and canalia of that country, which remembers me of a very good story. "Some time thereafter a Scots merchant travelling in England, and showing some apprehensions of being robbed, his landlady told him he was in no hazard, for all the highwaymen were gone; and upon his inquiring how that came about, "Why truly," replied she, "they are all gone to your country to get places." Lockhart Papers, vol. i. pp. 223, 224.

offices which the virtues and the talents of archangels could with difficulty have rendered respectable, what was to be expected? What but that which really followed, increased disgust and disaffection. So far, indeed, were the English from manifesting any friendly feelings, that they carried all their home measures toward Scotland, with extreme rigour, seizing, "with a peculiar affection of roughness, wines and other commodities," that had been imported, on the faith of the union, otherwise perhaps, than strict prudence would have dictated, but in a way which, it had been confidently anticipated, by a liberal and friendly policy would be overlooked. The consequence of all this was, on the part of the Scottish people, hatred to England, and increased interest in the exiled family, which they displayed by celebrating, in Edinburgh and various other places of the kingdom, the birth-day of the pretender, in the most open and avowed manner.

In the meantime, the court of France, reduced, by the vigour of the English administration, and the military talents of the duke of Marlborough, to a state of despondency bordering on despair, despatched, at the request of the court of St. Germain, colonel Hooke, an Englishman who had gone over with James VII. and had obtained preferment in the French service, on a special mission to Scotland, furnished with letters from the chevalier de St. George, to prepare his adherents for a general rising in his favours. For this rising, the means were to be furnished partly by the French, though they were in no condition to spare either men or money, and by means of it, they hoped to be able, if not to overthrow, at least so to embarrass, the government of England, as to obtain a peace, such as they themselves should dictate, in the course of the winter.* Through unforeseen circumstances, however, the winter elapsed before any thing could be undertaken.

Having made all necessary preparations for his journey, Hooke left Paris in the month of January, 1707, taking his route direct for Scotland, hoping, no doubt, to profit by the tumultuary spirit that, in consequence of the treaty of union, then in the course of being concluded, was raging in that un-

* Secret History of Col. Hooke's Negotiations in Scotland, &c. p. 10.

happy country. Meeting, however, with contrary winds, it was the month of March before he arrived at the castle of Slaines, an old fortress in the shire of Aberdeen. Here he found the countess of Errol, the earl's mother, in waiting for him, with letters from her son, of the most friendly and flattering import, testifying the greatest impatience to be introduced to him, and assuring him, "that all the well affected would exert themselves to the utmost on this occasion, as their last resource, being persuaded, that at the worst they would obtain better conditions sword in hand, than those of the union." From the countess he also learned, further, "that Mr. Hall, a priest, and the confidant of the duke of Hamilton, had been with her, waiting for his [Mr. Hooke's] arrival for some considerable time," and she put into his hands a letter, in which, for his employer, the duke of Hamilton, he entreated Mr. Hooke to come to Edinburgh, where, he informed him, the duke, who, with all his friends, was ready to risk every thing for the chevalier de St. George, would take care to have every thing ready for his accommodation, and begging for his grace, immediately, what letters he might have been intrusted with for him. The countess, at the same time, like a prudent and wise politician, wishing to secure, for herself and family, the ear and the services of Mr. Hooke, advised him not to be in haste, "as the duke of Hamilton's affairs were greatly altered within a few months past, all the world having abandoned him, and all the well affected come to an open rupture with him;" and though lord Kilsyth, the great marshal, and even her son the high constable, still kept some little correspondence with him, it was not at all upon political accounts, but merely for the sake of ancient intimacy; and as he had been suspected of corresponding with the court of London, she cautioned Hooke to be particularly careful how he trusted him. But for more minute information she referred him to her son.*

In order to avail himself of this advice, Hooke, who seems to have been very well qualified for the business in which he was employed, ordered M. de Ligondes, who had brought him over from Dunkirk, to proceed with his vessel to Norway, and

* Hooke's Secret Negotiations, p. 17.

to return to the coast in the course of three weeks, and the same day despatched a messenger to the high constable and to Mr Hall. From the former he requested advice. The latter he informed of his intention to wait upon the duke of Hamilton, as soon as he had recovered the fatigues of his journey; and, in return, demanded to know what measures had been taken for admitting him into the presence of the duke, and for rendering his visit to Edinburgh safe. His messenger returned in five days, with assurances that the constable would be with him in the end of the week; that the duke of Hamilton was so much indisposed, that as yet he could not see him, but would write by the constable.*

Hooke in the meantime, addressed himself to lord Drummond, second son to the duke of Perth, whom he sent upon a mission among the Jacobites of the north and north-west, with a copy of his Instructions from M. de Chamillart,† and of a

* Hooke's Secret Negotiations, p. 17.

† The following is a copy of these Instructions, from the Stuart Papers, published by Macpherson, along with his History of Great Britain. They display very particularly, the selfish views of the French court, and the total ignorance under which that court laboured with regard to the condition of Scotland. In the prosecution of these Instructions, Hooke displayed great diligence and fidelity, as a spy or emissary of France, though very little of either as an ambassador of James.

"To be certain of making a diversion in Scotland, which will embarrass the English, and oblige them to bring back a considerable body of troops to England, the Scottish nobility must be in a condition to assemble 25, or 30,000 men, and to clothe, arm, equip, and maintain them, during the campaign: i. e. at least six months, to commence at the beginning of May.

"The favourable dispositions of the nobility, leave no room to doubt but they will make their utmost efforts to withdraw themselves from the yoke which the English nation intends to impose upon them. Before a revolution, which should end in the restoration of the lawful sovereign, is begun, it is necessary to enter into a particular detail of the forces and means which the Scotch can employ to accomplish it, and of the succours which they may promise themselves from the protection of the King, who is no less interested in the success of this enterprise, than his Britannic Majesty. It is for these considerations, that his Majesty hath judged it proper, before he makes any positive promise to the Scots, to send over Mr. Hooke, in order to acquire, upon the spot, a perfect knowledge of the state of things, to form a well digested plan with the nobility, to reduce it to writing, and to get it signed by the principal men of the country; giving them assurances of his Majesty's sincere desire, and

letter from the chevalier, directed to all his friends in general, assuring them of his resolution to come and put himself at their head. To all this was added a paper, drawn up by Hooke himself, representing the extremity to which the nation

his dispositions to send them the succours which may be necessary for them; and his Majesty recommends, in a very particular manner, to Mr. Hooke, not to engage him in expenses, which those he is obliged to lay out elsewhere, will not allow him to support, nor to give them any room to hope for more than he can furnish.

"The articles which are to be the principal objects of his attention, are, first, to inform himself, with certainty, of the number of troops of which the army shall be composed, and of the generals, and other officers, who are in the country, to command them; if they stand in need of some of those which are in France; of what rank, and how many; the particular places where those men, who voluntarily engage, shall assemble, and the place of general rendezvous afterwards.

"To know who will clothe, arm, and equip them; if they have cloth in the country, and if they are able to pay for it: who will furnish fusees, swords, bayonets, belts, bandoliers and powder flasks, linen, stockings, shoes, hats, and other utensils, such as hatchets, pickaxes, and spades.

"If they have any artillery, of what size, and what quantity.

"If they have stocks and carriages for cannon.

"If they have officers of artillery, cannoniers, bombadiers, and miners.

"If they have mortars, bullets, bombs, grenades, and in what quantity.

"If they have powder and ball, whether for cannons or for muskets.

"What they want of these things, and what they demand as absolutely necessary for them; acquainting them, that it is not their interest to demand too much.

"It will not be sufficient to be informed, with certainty, that they are able to assemble a considerable army; it likewise is necessary to know further, the means by which the nobility intend to subsist them, while they are in the field; and by which they can form magazines, and assemble waggons, to follow the army, wherever the generals think it may be proper to order it to march.

"The same inquiry must be made about the equipage for the artillery, for the use of which it will be necessary to have a certain number of horses, in proportion to the train which they think they should bring into the field.

"They must not persuade themselves, that the mere goodwill of the nobility, and the blind obedience of their vassals, in doing whatever they choose, are sufficient to oblige them to remain too long from home, when they are furnished only with bread; they must have meat and spirits, or at least vegetables, with some other drink than water, the use of which is not common in that country.

"It is of importance to be assured of the manner in which the grain and drink shall be furnished; of the assessment which shall be made; of the contingent which each nobleman shall contribute in grain, drink, and other provis-

was reduced; touching upon the interests of its principal families; proposing some expedients for reconciling them, and laying open the dangers to which they exposed themselves, and the utter impossibility of their being delivered while these

ions; of the number of men they will give, and if they shall be clothed, armed and equipped. In short, to enter into such an exact detail, that nothing will remain to be done, but to take a final resolution concerning the project which Mr. Hooke shall form, in order to secure its success.

"It is supposed it may be demanded further, that the person who shall command the army, should explain himself, as to the use he intends to make of it. There will be several other things to be added, which the experience and good sense of Mr. Hooke will suggest to him."

From the same work, we extract, The Declaration of War, and the Particular Instructions which Hooke carried along with him from the Chevalier de St. George. They were as follows.

"James the VIII. by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith: to all our loving subjects of our ancient Kingdom of Scotland, greeting.

"Whereas, we are firmly resolved to repair to our said Kingdom, and there to assert and vindicate our undoubted right; and to deliver all our good subjects from the oppression and tyranny they groan under, for above these eighteen years past, and to protect and maintain them in their independency, and all their just privileges, which they so happily enjoyed under our royal ancestors, as soon as they have declared for us. We do, therefore, hereby empower, authorize, and require, all our loving subjects to declare for us, and to assemble together in arms, and to join the person whom we have appointed to be captain-general of our forces, when required by him, and to obey him and all others under his command, in every thing relating to our service; to seize the government, and all forts and castles, and to use all acts of hostility against those who shall traitorously presume to oppose our authority, and to lay hold, and make use of what is necessary for the arming, mounting, and subsisting our forces, and obstructing the designs of our enemies; for all which, you are hereby fully warranted and indemnified."

Instructions for Colonel Hooke.

"I. You are forthwith to repair to Scotland, and to endeavour to meet with as many of our friends as you can, to deliver to them our letters respectively, by which they are to give credit to what you propose to them in our name.

"II. You are to expose to them the necessity of laying hold of this opportunity of vindicating our right, and their privileges and independency, which, if neglected, may never be retrieved.

"III. That as soon as they appear in arms, and have declared for us, we design to come in person to their assistance, with the succours promised us

jealousies subsisted. A message of the same import was sent to the dukes of Athole and Gordon, to Ogilvie of Boyn, and to Innes of Coxtoun, that they might have all things in readiness for entering upon business so soon as Hooke found it convenient to see them.*

While these preparations were going forward, lord Saltoun, a chief of one of the branches of the house of Frazer, coming on a visit to the countess of Errol, gave to Hooke a still more unfavourable character of his grace the duke of Hamilton, than even that by the countess herself, stating, that his grace had most certainly corresponded with Queensberry and Stair, though he had done all he could to conceal it; that he had, not only while the union was in progress, broken all the measures of the well affected who opposed it, but, after its ratification, exerted himself to the utmost to obtain a seat in the British parliament, as one of the sixteen Scottish peers, in which attempt, "though he had condescended to the greatest meannesses," he had utterly failed, not having been allowed so much as to stand a candidate. All this, and more to the

by the most Christian King, which cannot be obtained, till they have given that evidence of their dispositions.

"IV. You are to explain to them, that the declaration of war you carry with you, is only a summons to rise in arms, reserving to bring along with us an ample declaration, for pacifying the minds of our people, and the false and malicious suggestions of our enemies, of which we desire they would send us a draught; in the meantime, you may assure them of our unalterable resolution of securing to them their religion, laws, liberties, and independency.

"V. If you find that a party is disposed to rise in arms, on what pretence whatsoever, without directly owning our authority, you are to acquaint our friends, that we allow, and approve of their joining with, and assisting them against our common enemy.

"VI. Our commission of general is designed for the Earl of Arran, but in case he declines it, our friends are to name another, whose name is to be inserted. But neither this commission, nor that for levying of war, either in Scotland or Ireland, to be published, except you find them immediately disposed to take the field; though our letter to him in Ireland may be sent, when it can be safely conveyed.

"VII. You are to assure each of our friends in particular, of the true sense we have of his loyalty, and sufferings on that account, which we think ourselves bound in honour and interest, to reward to the utmost of our power."

* Hooke's Secret Negotiations, p. 18.

same purpose, was repeated by the earl of Errol on his arrival, who was supported in the most material of his charges by the earl of Strathmore, lord Stormont, Fotheringham of Powrie, the laird of Finglass, and the notorious Ker of Kersland, who affirmed, that he had himself carried a message to the duke, from the Presbyterians of the west, offering to disperse the parliament, but that the duke "had put a stop to the rising, saying, It was not yet time."*

The earl of Errol was not quite so communicative, with regard to the aberrations of the duke of Hamilton, as his mother; but he advised Hooke to make the best use of the information he had received, and by no means to neglect the duke, for, though he had lost that credit which, by means of his mother, the dutchess dowager, he had acquired among the Presbyterians, his influence was still so great at the court of St. Germain's, that several orders had come from it to the friends of the chevalier, or the king, as he styled him, here, to do nothing without him. These orders had even been repeated on the present occasion. In proof of this, he showed a letter from Mr. Innes, almoner to the queen, through whom, James, for the most part, communicated his orders to the Scots, dated Jan. 17th, this year, in which, after stating that colonel Hooke was immediately to go over to Scotland, he adds, "the king desires that his friends would follow the directions of the duke of Hamilton, and not declare themselves till the duke has declared himself, when they may, without danger, follow his example." The earl added, that he had seen a letter from Mr. Stairs, secretary to the earl of Middleton, to a person in Edinburgh, in which he informed that person of Hooke's voyage, which he stated to be only a feint, and declared, that the king of France would do nothing for the Scots. The high constable showed another letter from the same court, of a still later date, March 1st, which stated positively, that the friends of James "have nothing to hope for; that they are greatly pitied, and ought to think of their own security."†

Over information so important, conspirators of a less sanguine character would certainly have paused, and an emis-

* Hooke's Secret Negotiations, p. 21. † Ibid. pp. 22, 23.

sary possessed of less confidence, would have been considerably nonplussed. Sober reflection, however, was never either the act, or the attribute of a Scottish Jacobite, and Hooke had drunk deeper into the spirit and manners of that country which had adopted him, than to be put out by the appearance of any inconsistency in the conduct of his employers, or the discovery of a little presumption in his own pretensions. Instead of being warned by these monitory intimations, and standing aloof from a negotiator who was only able to draw them into danger, having evidently no power to benefit either them, or the person whom they pretended to honour as their king, the party among whom he had fallen, clung to him the closer, and seemed only anxious that he should not come into contact with the duke of Hamilton, or any of his particular friends. Accordingly, we find, that when, by the advice of the duke her husband, Hooke wrote to the dutchess of Gordon, who was supposed, since the defection of the duke of Hamilton, to be in the confidence of the Presbyterians, she wrote him in return, a very flattering letter, boasting of her intimacy with them, of their friendly dispositions, and the reasonableness of their demands, inviting him also to come and be introduced to their leading men, but requiring a positive promise, that he would not trust the duke of Hamilton, she having in her hand certain proofs, that that duke had been the cause of all the misfortunes in Scotland. She took care, however, at the same time, to recommend the duke's agent, Mr. Hall, as an honest man—he was a papist, and a priest—only advising her friend Hooke to be upon his guard with him, as he “saw only with the duke of Hamilton's eyes.”* Hooke in return, begged the dutchess to “keep the Presbyterians in their present good disposition,” promising “to keep their secret, not only from the duke of Hamilton, whom they particularly distrusted, but from all others.” At the same time, he sent her a justification of that celebrated person, written by the queen at St. Germain, who ascribed the misfortunes of Scotland, not to any individual, but generally to “the want of succours.”

Satisfied in his own mind, from what he had heard from so

* Hooke's Secret Negotiations, p. 51.

many quarters, that the duke of Hamilton was out of credit with the friends of James, Hooke professes he would have given him up, but that "he believed he had still interest to intrigue with the Presbyterians, respecting his own elevation to the throne, which," says he, "in my first journey,* I understood he had very much at heart." Mr. Hall, of course, was admitted to an audience in behalf of the duke his master; but, after much shuffling, if we may credit Hooke, on the part of Mr. Hall for the duke, and still more of impertinent vanity, and frothy insolence on the part of Hooke for the king of France, nothing was concluded between them. The duke of Hamilton had always supposed the aid of 10,000 auxiliaries necessary for establishing James upon the throne of his fathers, and without this aid, refused to take any active part in attempting it. At the mention of this, Hooke pretended to be highly offended, wondered how he could be so unreasonable! and told Mr. Hall, that it was in vain to talk more about it, till he was more fully instructed. Mr. Hall was dismissed with a few fine words, evidently intended to operate upon the duke's self love, and an assurance, that, out of respect for his grace, Hooke would wait yet four days, before he entered into any negotiation with the other lords, and, in the meantime, would expect his answer at the marqu's of Drummond's.

While he was in waiting for the duke of Hamilton's answer to his message, and the queries that accompanied it, Hooke was gratified by the entire devotion of the Drummonds and their friends, who seem to have regarded him as the very breath of their nostrils, as also by the arrival of one of his associates, who had been sent by the way of Holland. Mr. Hall's answer for the duke of Hamilton, gave a most melancholy account of the state of his grace's health, and repaid Mr. Hooke's obliging compliments in the kindest manner; but he begged to be excused for not answering immediately, the letters from the king of France, and James, for whose restoration he would concur in all reasonable measures, though it was still his opinion, that that prince ought not to risk himself without a con-

* Hooke had been in Scotland, upon a message of the same kind, the preceding year.

siderable body of troops, and he concluded, by wishing Hooke a good voyage.*

On the receipt of this letter, and comparing it with some other letters written by the duke of Hamilton, which fell into his hands, probably by design, Hooke was so incensed, that he would write no more, either to the duke, or to Mr. Hall. Reflecting, however, upon an assertion of the duke, that he could put the king upon his throne, without any assistance from France, while, at the same time, he endeavoured to hinder him from coming over to Scotland, Hooke was persuaded, "that he had still an intention of seizing the throne himself;" and being assured, that in such an attempt, the Presbyterians behoved to be his only resource, resolved to give his whole attention to know them thoroughly, that if they were so disposed, he might take his measures accordingly. In pursuance of this plan, a courier was despatched to the dutchess of Gordon, begging to be informed of all the particulars respecting the chiefs of the Presbyterians, and of all they had proposed to her.

In the meantime, Hooke proceeded to the house of lord Stormont, where he was waited upon by Lyon of Auchterhouse, who brought an answer from Lockhart of Carnwath, to a letter that had been sent by him, stating, "That he came from his estate in the west country, where he had carefully endeavoured to inform himself of the disposition of the Presbyterians, and he had been agreeably surprised to find an alteration in their sentiments almost miraculous. You cannot imagine," he adds, "the surprising change happened in that country, in the maxims and inclinations of the inhabitants, the justness of their opinion with regard to the state of affairs, their zeal, and their eagerness to undertake something for their king and their country, and this disposition does not prevail in some corners only, but is universal throughout all the counties. Can it be possible that so fine an opportunity will not be laid hold of?"†

* Hooke's Secret Negotiations, p. 38.

† Hooke sets forth the dignity and wealth of this laird, as he styles him, with great pomp, and states, that he was one of the commissioners for the treaty of union, and that he protested against all their proceedings, which latter circumstance he could hardly fail to know was not true, as it was matter

The same things were, according to Hooke, repeated of the Presbyterians by the laird of Stanhope, and confirmed by the laird of Desterenson,* whom he calls "a great Presbyterian," who, coming to Scoon, assured Hooke, "that his vassals—Presbyterians they were of course—earnestly pressed him to take off the mask, and to join the friends of the k— of England." Even the national assembly of the Presbyterians, then sitting, he informs us, approved of every thing that the provincial synods and presbyteries had done against the union, and rejected a motion by the royal commissioner, for congratulating the queen upon the conclusion of the treaty; but, if he did not intend to deceive, he ought to have told, that they approved of all that had been done for it too, and though they dared not, for fear of increasing the odium they had already incurred, to speak pointedly upon the union, they did address her majesty in terms sufficiently submissive and panegyrical, which, if they were not intended to apply to that treaty, appear to be altogether without meaning.†

of reproach against Mr. Lockhart among the Jacobites, that he had not done so; and from this reproach, Lockhart is at pains to vindicate himself very fully, in his *Memoirs of the Affairs of Scotland*. Lockhart Papers, vol. i. pp. 142, 143.

* Colonel Hooke's work bears every mark of authenticity, and is abundantly corroborated by The Stuart Papers, The Lockhart Papers, &c. &c. but he has been so careless of his names, that it is sometimes impossible to discover the individuals couched under them.

† "But your Majesty hath also been concerned to preserve Christian unity and harmony amongst us, by manifesting a pious care, not to straiten us in any thing, wherein your Majesty did judge our principles were concerned. We have such grateful impressions of this your Majesty's wise and tender management, as will not only influence ourselves to a firm and steady loyalty, but put us upon using our utmost endeavours in our stations, to maintain and promote it amongst all in whom we have an interest; in which we crave liberty to assure your Majesty that we shall not be wanting, for we cannot but acknowledge, that we are under the highest obligations, not only as subjects, but as Protestants, to be constant and fervent in our addresses to the sovereign God that he would richly bless, long preserve, and prosper your Majesty, whose zeal for maintaining of our holy religion, and restoring to their just rights, those that have been unjustly oppressed for adhering to it, hath been in the course of your glorious reign, manifested to the world, and which, to our great joy, hath signally appeared in your Majesty's most gracious answer to

In the exercise of all this successful activity, falling sick, and unable to travel from the seat of one nobleman to that of another, Hooke despatched messengers to inform them of his illness, and request them to wait upon him, or send their several proposals in writing. The dutchess of Gordon, who had taken the Presbyterians especially under her protection, and who insisted upon seeing Hooke, was particularly apprized of the circumstance, and reminded of the necessity of sending an accredited person, to communicate all she had to say without loss of time. She immediately despatched, with a very ample letter of credence, a gentleman of the name of Strachan, possessing, as Hooke was made to believe, the entire confidence of the Presbyterians, and from whom he received a memorial, written by Ker of Kersland, whom he styles, the leading man in that body, and "chief of one of the most considerable families in Scotland." Having considered the heads of this extraordinary memorial, of which, it may safely be presumed, the Presbyterians were perfectly ignorant, Hooke told Mr. Strachan, "that he might assure those gentlemen, that their zeal and their design was most agreeable to the king of England; that his desire is, that they should take arms; and that he would represent their good dispositions and their demands, and would inform them how they were to act; that Kersland would do well to keep himself in readiness to go over to France in case of need; that he himself would regulate the manner of writing to Mr. Strachan, to Kersland, and to Mr. Walkinshaw, who was to receive the ship load of powder mentioned in their memorial," and he begged of them to let him hear from them before his departure. He wrote also to the same purpose to the dutchess of Gordon, to be communicated by her to the chiefs of the Presbyterians.*

The Presbyterians being thus disposed of, Hooke hastened to bring his treaty with the other lords to a conclusion; but, entirely devoted to the interests of France, and determined to engage Louis to nothing, he found this a matter of more diffi-

the late address of our brethren, the distressed and persecuted Protestants of France." Printed Acts of the General Assembly of the Church of Scotland, 1707.

* Hooke's Secret Negotiations, p. 47.

culty than he had anticipated. Ardent in the cause of legitimacy, and eager to engage the French king in their interest, the different chieftains had stated every thing in the most favourable light, expecting, that succours would be the more readily granted, in proportion as they could demonstrate them to be less needed. Hooke, however, made altogether a different improvement of their various, but generally favourable accounts. He contended, from their own statements, that they had ample means among themselves, and positively refused to commit himself or his master, for any succours whatever. After much discussion, in which the presumption and ignorance of both parties* formed the most remarkable features, it was agreed, at the suggestion of

* The reader may take the following short specimen in proof. "They demanded what succours they might expect from his most Christian Majesty. I answered, that I was authorized to promise every thing I should judge necessary; that the succours therefore would be regulated by their wants; for I could never judge it proper to promise them succours which they had no need of, and by their memorial, it did not appear that they were in want of many things. They replied, that they had not a mind to state all their demands, till they had spoke to me concerning the articles of succours; that to render themselves masters of Scotland, they in truth needed nothing but the person of the k— of England, arms, ammunition and money; but their design being to penetrate into England, and to oblige the English, either to submit, or to treat with them, they would have occasion for powerful succours to succeed in that enterprize. I answered, that I was not of their opinion—that from the moment they were masters of Scotland, they would need none but their own forces to penetrate into England; that there were no troops in Scotland that could hinder them from assembling; that the English were not in a condition to oppose so considerable an army as they proposed to raise; that they could never want for provisions in an open and plentiful country; and that they would be able to raise contributions, which would more than supply all their wants, after the example of their forefathers, who in the late wars between Scotland and England, in 1639, raised 800 pounds sterling a day, only in the three northern counties of England, which is the poorest of that kingdom." In the same style of flattery and fustian, he goes on to assure them, "that a body of troops would be of more detriment than service, foreigners not being used to live upon so little as the Scots." Full of the idea of Scottish invincibility, he gravely affirms, "that they had no reason to be affrighted at the name of regular troops, as their own would become regulars in the space of fifteen days! all their men being accustomed to the use of the gun from their infancy, all of them also being hunters; that they were disciplined from the age of twenty-six, and were perfectly acquainted with all the military evolutions; that naturally they stand fire, with so little

Mr. Graham, who had been solicitor to king James, to insist upon nothing, but simply to transmit a memorial, stating their case to the French king, and referring themselves wholly to his wisdom, in the depth of which he could not fail to judge most properly of their wants; and besides, it was reasoned, that he behoved to be deeply affected with so great a confidence in his goodness.* Still, however, there were difficulties to overcome. Some gentlemen scrupled to sign the memorial, preferring the original design of a treaty, and it was necessary so to manage matters, that if all were not pleased, no one might be reasonably offended. The greater part, indeed, were perfectly manageable, but there were a few, on whose behalf lord Kilsyth was particularly active, who would do nothing without the duke of Hamilton, which occasioned a renewal of their discussions, and some angry recrimination between Hooke and lord Kilsyth, on the part of that noble duke. All that accrued from their lengthened deliberations, however, was only, the humbly suggesting to his most Christian majesty, one or two things, which yet were left entirely to his discretion, that his grace the duke of Hamilton might not be able to say, that he had been altogether neglected. The memorialists, indeed, seem to have had a particular jealousy and distrust of the duke, which seems to have arisen, in a great measure, in the present instance at least, from his unwillingness to engage in the business without a reasonable prospect of success, to ensure which, he supposed a supply of arms, money and ammunition, with ten thousand well appointed troops, together with the adoption of measures to satisfy the people in general, as to the security of their religion and civil rights, to be necessary. The latter part of his conditions, being papists, they were anxious to avoid, and, confident in their own powers, the friendly intentions of his most Christian majesty, and the concurrence of the people in general, they hoped by themselves to establish the king, with

apprehension and concern; that their recruits have been always as much esteemed as their old soldiers, and," most consolatory, "that they are robust, live hard, and that they would destroy an English army without fighting, merely by fatiguing it!!" Hooke's Secret Negotiations, pp. 49, 52.

* Hooke's Secret Negotiations, p. 54.

whom they would, of course, share the power, the honour, and, more especially, the emoluments naturally accruing from such an illustrious undertaking.

Conceiving themselves to have been insulted by Hooke, the duke of Hamilton, the earl Marischal, Viscount Kilsyth, Cochran of Kilmaronock, Lockhart of Carnwath, Maule of Kelly, and captain Straiton, declined to correspond with the chevalier de St. George, or, as they called him, the king of England, through him, choosing rather to do so through the earl of Middleton, upon which Hooke "sent them more than once or twice, impertinent and threatening letters," and they were treated by their Jacobite brethren, who were in the interest of Hooke, with no little rancour, though there is too much evidence, that they were very hearty in the cause; and had their advice been followed, the issue of the invasion might have been very different from what it was.* It is evident, however, if there be any credit due to the Narrative of Hooke, that the duke of Hamilton did not abandon him without great reluctance, and not till he found that personally he had no particular benefits to expect at his hand.† We also find his letter, given to Hooke along with those of the memorialists, though he took care to write it in cyphers, and had the meanness to send it neither signed nor directed.‡

After travelling backwards and forwards, holding many consultations, and discussing a variety of opinions and plans, Hooke finished his negotiations, by receiving for his master, the king of France, the following memorial from the Scottish

* Lockhart Papers, vol. i. p. 232.

† "He [the duke of Hamilton,] desires me to send him word whether I was not ordered to offer him some personal advantages, either in money or otherwise, and what those advantages were. He asks what the king (Louis) will do for him, in case he be obliged to fly to France, to avoid the persecutions of the English. He adds, that lord Portland had demanded, at Ryswick, the restitution of the dutchy of Chatelerault to the house of Hamilton, and thereupon desires me to give him my opinion, whether he ought to demand that dutchy by the ambassadors of England, at the first treaty of peace." Hooke's Secret Negotiations, p. 73.

‡ Hooke's Secret Negotiations, p. 102.

lords, which, whether we consider its want of patriotism, its want of policy, or its want of truth, is alike remarkable.

“ His Most Christian Majesty having been pleased to offer his protection to the kingdom of Scotland, in order to restore its lawful k—, and to secure to his nation its liberty, privileges, and independence; and his majesty having sent the honourable colonel Hooke, who, besides his past services, has now again given fresh and signal proofs of his capacity, zeal, and fidelity for the service of the Most Christian king, and of his Britannic Majesty, to confer with the peers and other nobility of this nation, touching the measures that may be most conducive to so just and glorious an end.

“ We, the underwritten Peers and Lords, having seen the full power given by his most Christian Majesty to the said colonel, do, in our own names, and in the name of the greatest part of this nation, whose dispositions are well known to us, accept the protection and assistance of his most Christian Majesty with the utmost gratitude; and we take the liberty, most humbly to lay before his said Majesty, the following representation of the present state of this nation, and of the things we stand in need of.

“ The greatest part of Scotland has always been well disposed for the service of its lawful k—, ever since the revolution, as his most Christian Majesty has often been informed by some among us. But this good disposition is now become universal. The shires in the west, which used to be the most disaffected, are now very zealous for the service of their lawful k—. We have desired colonel Hooke, to inform his most Christian Majesty of the motives of this happy change.

“ To reap the benefit of so favourable a disposition, and of so happy a conjuncture, the presence of the k—, our sovereign, will be absolutely necessary; the people being unwilling to take arms, without being sure of having him at their head. We have desired colonel Hooke to represent to his Majesty the reasons of this demand.

“ The whole nation will rise upon the arrival of its k—. He will become master of Scotland without any opposition, and the present government will be entirely abolished.

“ Out of this great number of men, we will draw 25,000

foot, and 5,000 horse and dragoons; and with this army we will march straight into England. We, and the other Peers and Chiefs, will assemble all our men, each in his respective shire.

“The general rendezvous of the troops on the north side of the river Tay, shall be at Perth. Those of the western shires shall assemble at Stirling; and those of the south and east at Dumfries, and at Dunse.

“Those that shall be nearest the place where the k— of England shall land, shall repair to him.

“We have computed the number of men which will be furnished by each of the shires that we are best acquainted with; and we have desired colonel Hooke to inform his Majesty thereof.

“For the subsistence of these troops, there will be found in our granaries the harvests of two years; so that a crown will purchase as much flour as will keep a man two months. There will be commissaries in each shire to lay up the corn in the magazines, in such places as shall be thought most proper; and commissaries general, who will take care to supply the army with provisions wherever it shall march.

“The same commissaries will furnish it with meat, beer, and brandy, of which there is great plenty all over the kingdom.

“There is woollen cloth enough in the country to clothe a greater number of troops, and the Peers and other Lords will take care to furnish it.

“There is great quantity of linen, shoes, and bonnets, for the soldiers. They will be furnished in the same manner as the woollen cloths. Of hats there are but few.

“The same commissaries will furnish carriages for the provisions, the country abounding therein.

“The inclinations of all these shires—excepting those of the west—for the k— of England have been so well known, and so public since the revolution, that the government has taken care to disarm them frequently; so that we are in great want of arms and ammunition.

“The Highlands are pretty well armed after their manner.

“The shires of the west are pretty well armed.

“The Peers and the Nobility have some arms.

“ There is no great plenty of belts and pouches, but there are materials enough to make them.

“ The few cannons, mortars, bombs, grenades, &c. that are in the kingdom, are in the hands of the government.

“ No great plenty will be found of hatchets, pickaxes, and other instruments for throwing up the earth; but there are materials for making them.

“ Commissaries will be appointed to furnish cattle for the conveyance of the provisions, artillery, and carriages; the country being plentifully provided therewith.

“ There are some experienced officers, but their number is not great.

“ With respect to money, the state of this nation is very deplorable. Besides that, the English have employed all sorts of artifices to draw it out of the kingdom; the expedition of Darien has cost large sums; our merchants have exported a great deal; we have had five years of famine, during which we were obliged to send our money into England and to Ireland, to purchase provisions; and the constant residence of our Peers and Nobility at London, has drained us of all the rest. What our nation can contribute towards the war, is therefore reduced to these two heads; the public revenue, which amounts to one hundred thousand five hundred pounds sterling a-year; and what the nobility will furnish in provisions, clothes, &c. the proportions of which will be settled upon the arrival of the k— of England. Having thus set forth the state of the nation, we most humbly represent to his most Christian Majesty as follows:—

“ That it may please his most Christian Majesty, to cause the k— our sovereign, to be accompanied by such a number of troops as shall be judged sufficient to secure his person against any sudden attempts of the troops now on foot in Scotland, being about two thousand men, which may be joined by three or four English regiments now quartered upon our frontiers.

“ It would be presumption in us to specify the number; but we most humbly represent to his Majesty, that the number ought to be regulated according to the place where the k— of England shall land. If his Majesty lands north of the river

Tay, a small number will suffice for his security, because he will be joined in a few days by considerable numbers of his subjects; he will be covered by the river Tay and the frith of Forth, and all the shires behind him are faithful to his interests.

"But if, on the contrary, his Majesty lands upon the south-west or south-east, he will want a large body of troops, on account of the proximity of the forces of the English, and of their regular troops. We believe that eight thousand* men will be sufficient.

"But with respect to the number of the troops, we readily agree to whatever shall be settled between the two kings; being persuaded that the tenderness of the most Christian King for the person of our sovereign, falls no way short of that of his faithful subjects.

"We also beseech his Majesty to honour this nation with a general, to command in chief under our Sovereign, of distinguished rank, that the first men of *Scotland* may be obliged to obey him without difficulty; and to cause him to be accompanied by such General Officers as the two Kings shall judge proper.

"The Peers and other Lords, with their friends, desire to command the troops they shall raise, in the quality of colonels, lieutenant-colonels, captains, and ensigns; but we want majors, lieutenants, and sergeants, to discipline them.

"And if our enemies withdraw their troops from foreign countries, to employ them against us, we hope that his most Christian Majesty will send some of his to our assistance.

"The great scarcity of money in this country obliges us to beseech his most Christian Majesty to assist us with an hundred thousand pistoles,† to enable us to march straight into England. We stand also in need of a regular monthly subsidy during the war; but we submit, in that article, to whatever shall be agreed upon by the two kings.

* This demand of 8000 men, was added, merely to please the duke of Hamilton. All the others had demanded but 5000. Hooke.

† This demand of an hundred thousand pistoles was added, to please the duke of Hamilton. Ibid.

“ We likewise beseech his most Christian Majesty to send with the k— our sovereign, arms for twenty-five thousand foot, and five thousand horse or dragoons, to arm our troops, and to be kept in reserve, together with powder and balls in proportion, and also some pieces of artillery, bombs, grenades, &c. with officers of artillery, engineers and cannoneers. We submit also in this, to whatever shall be settled between the two kings.

“ We have desired colonel Hooke to represent to his most Christian Majesty, the time we judge most proper for this expedition, as also the several places of landing, and those for erecting magazines with our reasons for each; and we most humbly beseech his Majesty to choose that which he shall like best.

“ And whereas, several of this nation, and a great number of the English, have forgot their duty towards their Sovereign, we take the liberty to acquaint his most Christian Majesty, that we have represented to our k—, what we think his Majesty should do to pacify the minds of his people, and to oblige the most obstinate to return to their duty, with respect to the Protestant religion and other things, which it will be necessary for him to grant to the Protestants. We most humbly thank his most Christian Majesty, for hopes he has given us by colonel Hooke, of our having our privileges restored in France, and of seeing our k— and this nation included in the future peace; and we beseech his Majesty to settle this affair with the k— our sovereign.

“ We have fully informed colonel Hooke of several things, which we have desired him to represent to his most Christian Majesty.

“ And in the pursuit of this great design, we are resolved mutually to bind ourselves by the strictest and most sacred ties, to assist one another in this common cause, to forget all family differences, and to concur sincerely, and with all our hearts, without jealousy or distrust, like men of honour, in so just and glorious an enterprise. In testimony whereof, we have signed these presents, the seventh day of the month of May, of the year one thousand seven hundred and seven.”—
Signed—ERROL, PANMURE, STOLMONT, KINNAIRD, JAMES

OGILVIE, N. MORAY, N. KEITH, DRUMMOND, THOMAS FOTHERINGHAM, ALEXANDER INNES.*

The last clause of the above Memorial was added by the duke of Athole, who ordered the lord Stormont to sign it for him.† The duke of Athole also proposed sending Ogilvie of Boyn into France, along with Hooke, in his own name, and that of the other chiefs. Hooke, however, declined to take Ogilvie under his protection, and the duke, thinking it necessary he should go, if it was only to bring back the answer of his most Christian Majesty to their Memorial, resolved to send him over in a neutral vessel.

Besides signing the Memorial for the duke of Athole, lord Stormont, according to Hooke, signed it for the earls of Nithsdale, Traquair, Galloway, and Home, and the lords Kenmure, Nairn, Sinclair, Semple, and Oliphant. Lord Drummond signed it in "name of the others, that is to say, of all the chieftains of the Highlands of the west of Scotland."‡ The laird of Albercanie,§ chief of the family of Murray, signed for himself, and for the lords Fintry and Newton. Lord Braidalbine refused to sign, but promised to appear among the first, as soon as the chevalier had made good his landing. The earl of Strathmore signed for himself, and for the earls of Wigton and Linlithgow. Lyon of Auchterhouse signed for himself and for Lockhart of Carnwath; Fotheringhame of Powrie for himself, and for the whole shire of Angus, delivering into the hands of Hooke, a list of all its nobility, of whom, he said, he was certain. The duke of Gordon refused to sign, because it required the personal presence of the chevalier de St. George, and he could not think of exposing him to the dangers of war. Sir Alexander Innes of Coxtoun, signed for himself and for the earl of Murray, and for Grant of Grant. The earl of Errol signed for himself, for the earls of Caithness, Eglinton, Aberdeen, and Buchan, for lord Saltoun, and for the shires of Aberdeen and Mearns. The great Marshall, being taken ill at Edinburgh, commissioned the laird of Keith to sign for him,

* Hooke's *Secret Negotiations*, pp. 88—91. † *Ibid.* p. 63.

‡ *Ibid.* p. 63.

§ Probably Murray of Abercairny.

and to promise twenty-eight field pieces, and two battering cannon, from his castle of Dunolgo,* on the east of Scotland.†

The time, and the proper places for landing, forming magazines, &c. were also carefully considered, and the colonel charged to make their sentiments on these heads known to his most Christian Majesty. The month of August or September, was pointed out as the most proper time, suiting best the convenience of his most Christian Majesty, and most likely to ensure the safety of the succours that he might be pleased to send, from the circumstances of the campaign on the continent being, by that time, likely to be drawing to a close, while the enemy's fleets would, in all probability, be upon the distant coasts of Spain and Portugal. Three places were proposed for landing, Edinburgh, Kirkcudbright, and Montrose. The first was especially recommended by its port, Leith, where the ships of his most Christian Majesty might ride in perfect safety, while the chevalier made himself master of the capital, of all the higher courts, of the sources of money and of trade, and at the same instant, disperse the functionaries of the present government. The feelings and temper of the inhabitants, who were supposed to be very generally in the interests of the chevalier, were also urged, as recommending this place to his particular attention, while the glory of the enterprise, the terror it would strike into his enemies, the abundant supplies of every description, in the midst of which he would be placed, and the facility with which he could thence march into England, were all severally brought forward, to induce him to make his first attempt upon the capital of his ancient kingdom of Scotland. Kirkcudbright was recommended, as in the midst of the Presbyterians, and in the neighbourhood of those shires capable of furnishing the greatest number of horses, within reach of their friends in the north of England, and not far distant from Ireland, whence they might reasonably expect very material assistance. The passage too, it was added, from Brest to this place, was short and easy, and the landing here would be peculiarly gratifying to the Presbyterians. The chevalier's

* Dunnottar, now the most majestic ruin in Scotland.

† Hooke's Secret Negotiations, pp. 65—69.

principal friends, however, did not think it advisable for him to put himself into their hands. Montrose had also its advocates, particularly, as a place capable of being fortified, being strong by its natural situation, standing in the midst of the chevalier's best friends, and having all the shires behind it staunch to his interest. At the same time, they left it entirely to his own judgment and conveniency, which of the three he might adopt.*

It was further given in charge to Hooke, to request the chevalier to say nothing on the subject of religion, further than to promise, to be directed by his first parliament. It was hoped also, that he would grant a general amnesty, without any exceptions, and that he would promise to set at liberty, all the vassals of such as should oppose him, that such vassals might be induced to take arms in his behalf. The colonel was also directed, to represent to his most Christian Majesty, "that the French people were as much loved in Scotland, as they were hated in England—that the Scottish people still retain a pleasing remembrance of their ancient alliances, and preserve several French idioms, and terms of expression in their language, which are not used in England; that France is therefore always dear to them; and that they promise themselves the deliverance of their country, and the restoration of their king, under his Majesty's protection."†

Having thus visited the principal families in Scotland, particularly in the north, and north-east parts of the country, and taken their bond to appear for James and France, with all the means of men and money they could command, Hooke returned to France, by a ship that waited for him upon the north coast, sometime in the end of May, carrying with him letters from the principal of them to the chevalier de St. George, who, he assured them, would be in Scotland, to receive their grateful homage, by the month of August.‡

Hooke appears all along, to have considered his mission as one of high honour, and of great importance, and on his return to France, he triumphed not a little over the earl of Middle-

* Hooke's Secret Negotiations, pp. 73—75. † Ibid. pp. 79, 80.

‡ Lockhart Papers, vol. i. p. 335.

ton, whose friends in Scotland, he scrupled not to accuse with a want of zeal for the honour and interests of him, whom they were pleased to dignify with the appellation of their king.* His reception among the Scottish nobility, at that time proverbial for pride, was certainly such as might have encouraged confidence in a mind less subject to the inspirations of vanity than that of colonel Hooke; but advantage had been taken of his sanguine disposition, to flatter, rather than to inform him; and, in not a few instances, he certainly was grossly imposed upon. This was particularly the case with regard to the representations of the dutchess of Gordon, and Ker of Kersland, respecting the Presbyterians, whom they reported to be perfectly in the interest of the pretender, and ready to aid him at all hazards, with thirteen thousand men. The dutchess was very hearty in the cause herself, and no doubt wished the Presbyterians to be so too, and may therefore be supposed to have believed what she stated to be matter of fact; but Ker of Kersland was a spy, in the pay of government, and purposely misrepresented the Presbyterians, in order to come, by that means, at the secrets of Hooke, which he certainly did, and as certainly communicated them to the British government.†

* Lockhart Papers, vol. i. p. 232. It was the common saying of Lockhart's children, "truly our king lives in France." *Memoirs of North Britain*, p. 26.

† Ker's name was originally Crawford, but, on marrying the heiress of Kersland, he assumed the name of Ker, and along with it, pretended to assume the principles by which the Kers had been long and honourably distinguished. In consequence of these pretensions, he was admitted to some meetings of the Old Dissenters, though it does not appear that he ever succeeded in gaining much of their confidence. He certainly, however, had more of it than he deserved, as his purpose was only to betray them to the government, whose spy, at the solicitations of the duke of Queensberry, he had become. He also pretended to be a zealous partisan for the pretender, and seems to have perfectly succeeded in deceiving the Jacobites, who communicated with him generally without reserve. He obtained from queen Anne, after having communicated to her government, the whole of Hooke's negotiations, a patent for his roguery in the following words.

"Whereas, we are fully sensible of the fidelity and loyalty of John Ker of Kersland, Esq., and of the services he hath performed to us and our government; We therefore grant him this, our Royal Leave and Licence, to keep

All parties, however, appear to have been pretty well satisfied, Hooke with himself, the chevalier de St. George with the vain hopes of a crown, his most Christian Majesty with the prospect of a diversion in his favours, on the part of Scotland, and the poor deluded Scottish Jacobites, with the visionary idea of regaining national independence, and along with it the sovereignty of England!! How miserably all were disappointed, we shall see in the sequel.

In the meantime, those who had been intrusted with the management of Scottish affairs, having succeeded in carrying into effect the measures suggested by the English ministry, with a facility, and to an extent far beyond their most sanguine expectations, hastened exultingly to court, where they were received with every demonstration of respect. Montrose and Roxburgh were both created dukes, and Queensberry, whose life had been threatened, and who was execrated by the populace in his own country, was in England, every where welcomed with expressions of gratitude and joy. At Berwick, Newcastle, Durham, and the other great towns through which he passed, he was waited upon, and complimented by the magis-

company, and associate himself with such as are disaffected to us and our government, in such way or manner as he shall judge most for our service. Given under our Royal Hand, at our castle of Windsor, the 7th of July, 1707, and of our reign the 6th year."

Thus fortified against any legal consequences that might accrue to him for his conduct, and furnished with money to serve present exigences, he became a leading man in all the deliberations of the Jacobites, and was by them thought to have full power over the Presbyterian Societies in the south and west, who, as they were known enemies to the union, were supposed necessarily to be in the interest of the pretender. Nothing, however, could be a fouller calumny, and it does not appear that he had any authority whatever from the Societies, which were composed of men far too strict in their morals, to have any thing particular to do with a man so profligate as Ker certainly was. He performed his dirty work, however, with considerable ability, and, as is usual in such cases, was rewarded with neglect. After a bustling life of rascally intrigue, which he has himself carefully chronicled, he died in great misery, a prisoner for debt, in the King's bench prison, London, July 8th, 1726, aged 52. His Memoirs were published the preceding year, in three parts, and dedicated to a very proper patron, Sir Robert Walpole. Vide Memoirs of John Ker of Kersland, in three parts, London, 1726; and Lockhart Papers, vol. i. p. 307.

trates, while assembled multitudes every where surrounding him, testified the deep interest they felt in what he had so happily accomplished. At Barnet, Highgate, and other places near London, the queen's ministers, and the members of both houses of parliament, waited upon him in their coaches, and the metropolis had never seen so great and so joyful a concourse of people, since the entry of James VI. at the union of the two crowns. A pension of £3,000 per annum, out of the post office, was settled upon his grace, the whole patronage of Scotland was vested in his hands, and he was created a British peer, by the title of duke of Dover, marquis of Beverly, and earl of Rippon, and took his seat as such in the house of lords, in the month of November following.*

The first British parliament was convoked by proclamation, on the 28d of October, 1707, and, after taking into consideration the affairs of the United Kingdom generally, turned its attention to the political situation, and internal government of Scotland, for improving which, and rendering the late treaty of union more completely effective, they passed a number of most important regulations. In the true spirit of kindness and conciliation, they addressed the queen, to discharge the informations that were still hanging over a number of merchants, for goods imported into Scotland before the 1st of May. They repealed the famous Act of Security, and the Act anent peace and war, both of which were indeed abrogated by the union, but, as they had been the means of inflaming the Scottish, and alarming the English nation, in no ordinary degree, to allay every uneasy apprehension, their formal and literal reversion was judged necessary. The militia of Scotland they voted to be placed upon the same footing with that of England. They restored the office of justices of the peace, which had been laid aside since the revolution, with the same powers as those of England; and, for the better and more speedy administration of justice, they appointed the lords of justiciary to travel their circuits twice in the year. Writs for electing members of parliament, they ordered to be issued, and the returns made in the same manner as in England, and they determined, that

* Douglas' *Peerage of Scotland*, vol ii. p. 381.

after the 1st of May, 1708, the Scottish privy council should be finally dissolved, thus annihilating the last vestige of the national government. These enactments did not pass either house without violent opposition, especially the last, which was carried in the house of lords, by a majority of only five voices; and, though the council in question was a most odious tribunal, and one which, had it been continued, would effectually have prevented any benefit arising from the union, its extinction tended to exasperate that irritable and gloomy feeling, which at this time unhappily characterized the Scottish people.*

While the friends of their country were thus employing themselves to promote its best interests, the Jacobites were doing their utmost to counteract them, by restoring the exiled family, and breaking up the union, which they considered as giving, if it ever came to be fairly established, the death blow to their projects. The month of August was ardently looked for, as the happy period that was to bring them the accomplishment of all their wishes; but when it did arrive, it brought only a notice, that his most Christian majesty, at that time, could do nothing; and this notice was repeated from time to time, till the hopes of the most sanguine were nearly extinguished. From the freedom of speech and of action too, in which many of them had indulged, fears were entertained, that they might be proceeded against by the existing government, and, without reaping any of its advantages, suffer all the pains of treason. Under this impression, they became all at once apparently deeply interested in the management of public affairs, and, as it was certain the parliament behoved to be dissolved at the end of the session, they began to canvass for seats in the new parliament, for the double purpose of laying asleep the

* "In the records of the Privy Council of Scotland, after the junction of the crowns, we meet with more frequent examples of the gross abuse of delegated power, than occur perhaps in the history of any nation possessing a regular and established government. The functions and proceedings of the ordinary judicatories were often suspended, and their decisions overawed and controlled, by the indefinite prerogatives of a tribunal, which was a standing engine of regal and aristocratic oppression." *Somerville's History of Great Britain, &c.*

vigilance of the government, and, if their friends were brought into trouble, that they might be in a situation more effectually to befriend them. This, to be sure, involved them in the guilt of deep dissimulation, and, if they succeeded, in the still deeper guilt of perjury; but politicians have very generally supposed the means to be sanctified by the end, even when less sacred objects were in view than divine, indefeasible, hereditary right, and where neither works of supererogation were provided, nor dispensing power claimed for their relief.

With all this diligence at home, the Jacobites did not fail, to hasten, by every means in their power, that assistance from abroad upon which they so much depended. Mr. Hall, of whom we have already made mention, writes thus, by orders of his grace the duke of Hamilton, to M. de Chamillart, the French minister, August 2d, 1707. "The duke of Hamilton will not go to England, till he shall have seen the king's determination, with respect to the affairs of Scotland; and it is hoped here, that Sir James Ogilvie of Boyn will bring it soon. The duke of Hamilton has informed himself more fully concerning the dispositions of the west; and this is what he orders me to tell you. All the Presbyterians are resolved to oppose the union; and if the k— of England comes to Scotland with six or eight thousand men, he will have more people for him than he will know how to employ. It will be necessary that he give the command of them to the peers *and the nobility, and the duke of Hamilton will set others the example.* We have arms in these parts, and some shires have already officers upon half pay. All that the Presbyterians demand of the k— of England is, to declare against the union, and to maintain the parliament, and the independence of the nation. They submit to military discipline, and will not disturb his majesty on account of his religion, only desiring, that he will be content to exercise it without much show. They conjure him only to promise the safety of the Protestant religion in general, and to refer all the rest to his first parliament. All the tories are zealous for his interests, but it will be necessary that he come soon, otherwise the opportunity will be lost." This is seconded by the duke of Gordon, August 9th, "We are in great consternation here at

not hearing from you, and are therefore obliged to be urgent to know what we may hope for. Secrecy is necessary in great affairs, but too much mystery spoils all. May we know at least, whether we shall be assisted or not? The duke of Hamilton begins to espouse our interests heartily. There are people here who insinuate, that you do not intend to assist us. If you do intend it, the opportunity is favourable, and never will be found again." The duke of Gordon is followed by Ker of Kersland, August 16th and 20th. "All is ready here, but if the succours do not come soon, or at least, if we are not sure of being assisted within a limited time, all will go to confusion. The people complain, that they have often been made to hope, without any effect. I will still answer for keeping every thing ready for some time longer, provided I am sure of the succours; but it would not be just, that I should lose my fortune for my goodwill. Long delays will ruin us all. We are all convinced, that the only way to save Scotland, is to restore our k—. The opportunity is excellent; it never was so good, and if you lose it, it never will be found again. The union is so universally detested, that it has changed the hearts of the greatest enemies of the k— of England. I should not wonder, if this change should not be easily believed in France, for I am surprised at it myself, and yet it is true. The attachment which the chiefs of the Cameronians have always had for my family, enables me to answer for them; and I will readily venture myself on this occasion, provided I am sure of not being forsaken; for the English will not spare me. Do not give credit to all the intelligence that may be sent from these shires, [the five shires of the south-west,] by any other channel than mine; for I am informed, that others make use of my name without my knowledge. We are ready to give every security that shall be desired, for the performance of our promises. Once more, do not lose time; for if you do, you lose every thing." This incendiary is followed by the dutchess of Gordon, August 20th and 23d, with still greater vehemency. "For God's sake! what are you thinking of? Is it possible, that after having ventured all to show our zeal, we have neither assistance nor answer! All is lost for want of knowing what measures ought to be taken. Several of the greatest partisans

of the union acknowledge their error, and come over to us. If we are left in the uncertainty we are now in, the people will grow *gool*. The chieftains will fear for themselves, when they find that they are despised, and will make their peace, not to have an halter always about their necks. Give me but a positive promise, and all will go well. The chieftains will then find no difficulty in keeping every thing ready against the arrival of the succours; but our hearts are sunk by this continual uncertainty. Come when you please, and to what part you please, you will be well received; but if you do not come soon, or if you do not send us speedily an-assurance of assistance, the party will be broken, and it will be too late.”*

Whether these letters, produced the desired effect, or whether the circumstances of the time became of a more imperious nature, it might be difficult to determine, but the French court at length began, apparently, to think of doing something in earnest, and preparations upon an extensive scale, commenced with the utmost secrecy and activity. A fleet, of five sail of the line, twenty-two frigates, and two transports, with five thousand troops, were assembled at Dunkirk, and, with the chevalier de St. George, ready for sea, almost before a whisper of the design had reached the British government. The command of the fleet was conferred on the chevalier de Forbin, one of the most active naval officers in the French service. The land forces were confided to monsieur de Gace, who, on the occasion, was, through the medium of the chevalier de St. George, created a marshal of France, by the title of marshal de Matignon. There were also furnished by his most Christian Majesty, for the use of the Scottish Jacobites, one thousand pair of pistols, three thousand muskets, twenty thousand pounds of powder, six pieces of cannon, two twenty-four pounders, and four eight pounders, with one thousand balls for each; two eight inch mortars, six hundred bombs, and a train in proportion.†

Louis, on this occasion, manifested the highest degree of interest in, and friendship for the chevalier de St. George, whom he now hoped to see openly and proudly acknowledged as James VIII., the undoubted and established king of England. Every

* Hooke's *Secret Negotiations*, pp. 111—116.

† *Ibid.* p. 127.

thing necessary for the voyage of the chevalier, had been furnished with the utmost profusion. His tents were sumptuous, his liveries for his life guards gorgeously rich, and his services of gold and silver plate, such as became the splendour of a king. His most Christian majesty, on parting with him, presented him with a valuable diamond sword, repeating what he had before said to his father, James VII. "he hoped he would never see him again." His holiness the pope, also contributed liberally to the expedition, and, in particular, accommodated James with a variety of inscriptions, which were, by the fair hands of loyal and pious women, devoutly wrought into his colours, as certain pledges of an honourable progress, and finally, of full success. Public prayers of forty hours for his success, were also appointed by his holiness, in the English, Irish, and Scottish churches, and indulgences granted to all such as would charitably and devoutly join in putting them up.*

While these preparations were thus rapidly approaching their completion, the British government appeared to slumber in a state of perfect security. There were not in Scotland above two thousand five hundred men in arms, and of these, more than a full half were supposed to be in the interest of the chevalier. The castle of Edinburgh was without ammunition, without a garrison, and, though it contained a great part of the equivalent, not yet disposed of, in such a miserable state of preparation, that it could scarcely have failed to surrender upon the first summons. How the ministry suffered themselves to be thus caught asleep, as they must have known, the general discontent of the Scottish people, and the views of the French court, is what, at this distance of time, cannot be satisfactorily accounted for. That they were unaware of the plot that had been so generally talked of, and the execution of which had been the subject of such ardent desire among the Jacobites for a twelvemonth before, it is impossible to believe. That they knew it, and wished it success, is still more incredible; and yet, had the Jacobites themselves been in power, it was scarcely possible to have placed the whole system of things

* Smollet's History of Great Britain. Bennet's Memorial, &c. &c.

in circumstances more favourable for forwarding their designs. The probability is, that the English ministry, knowing the mercenary spirit of the Scottish nobility, and their deep poverty, disregarded their promises to his most Christian majesty, as empty bravadoes, which, without that pecuniary stimulus which they supposed him at the time incapable of affording, could never be fulfilled. Be this as it may, the news of so formidable an expedition being ready, aroused them to the utmost activity in every department, particularly the naval, and, in the short space of fourteen days, to the astonishment of all Europe, and to the dismay of France, a fleet of forty sail was fully equipped, and before the port of Dunkirk. Ten battalions of British troops were brought over from Ostend, to the mouth of the Tyne, to be disposed of as circumstances should require. Several regiments of foot, with some squadrons of horse, were, at the same time, ordered for Scotland, and the earl of Leven, commander-in-chief of the forces there, and governor of the castle of Edinburgh, hastened to put that fortress in a proper state of defence, and to make the necessary dispositions for receiving the enemy. Both houses of parliament concurred in an address to her majesty, assuring her, that their lives and fortunes were at her service, to defend her against all her enemies, whether domestic or foreign. They, at the same time, declared the chevalier and all his adherents, traitors and rebels, and bills were passed, suspending the habeas corpus act till the month of October, and discharging the clans from all vassalage to those chiefs who should be found in arms for the chevalier. The oath of abjuration was, also, ordered to be tendered to all parties, and whoever refused it, was to be held in the condition of a convicted recusant.*

While the court of London was thus exerting the utmost diligence to avert the effects of an evidently culpable negligence, the court of St. Germain's was equally eager to profit by the favourable circumstances, that at last seemed to thicken around it. Mr. Charles Fleming, brother to the earl of Wigton, who had performed several such journies before, was despatched, by the chevalier, upon a special message to Scotland,

* Smollet's History of Great Britain. Burnet's History of his own times, &c.

with instructions to his adherents there, stating the particular services he expected from each of them in this important crisis. Fleming landed at Slains castle, which had been the general rendezvous of such emissaries for several years past, on the 13th day of March, where he was received with the most lively demonstrations of joy. The earl of Errol instantly despatched a messenger to Mr. Malcolm of Grange, with orders to have a boat and pilots in readiness to go on board the first vessel that should give the signal agreed on. The same express, by the earl's orders, was carried along the coasts of Fife and Lothian, to give notice to the well affected, to have boats and pilots every where in waiting, that there might be neither difficulty nor delay incurred, at whatever place chance or choice should direct the expedition to land. The earl Marischal sent off notice to his friends the same evening, and early next morning, set out in person to raise the district of Marr, where he was hereditary bailiff. Mr. Nicolson, the Catholic bishop of Scotland, was next informed of the joyful tidings, that he might have the Catholics in the north, in immediate readiness. The dutchess of Gordon lost no time in apprizing her son, the marquis of Huntly, that he might exert himself in the counties of Ross and Inverness, where he had great interest. Innes of Coxtoun, was also favoured with a special notice; and, after seeing some less conspicuous characters, Fleming left Slains castle on the 14th, and arrived on the 16th, at the seat of lord Strathmore, who was in a transport of joy to see the affairs of the chevalier in such forwardness, and instantly gave orders to the chief persons in his neighbourhood, to take the necessary measures for a crisis of such vast importance. The same evening, Mr. Fleming proceeded to lord Nairn's,* who introduced him to his brother, the duke of Athole, whose vassals had been, for five months, in readiness to take

* This lord Nairn, was lord William Murray, fourth son of John, first marquis of Athole, and brother to John, second marquis of Athole, who, previously to this, had been created a duke. The duke, whatever might be his feelings at this time, never actually joined the Jacobites. He was a zealous Presbyterian, and always preserved his interest with the ministers of that persuasion, which induced many of the tories to doubt his sincerity. Douglas' Peerage of Scotland, 2d ed. vol. i. p. 150. vol. ii. p. 280.

arms at the first news of the chevalier's arrival. From the duke of Athole, he proceeded to lord Braidalbin, who read the instructions sent him by the chevalier "with great joy," and promised not only to join him with his vassals, but to overawe the men of Argyle, who were known to be ill affected toward him, so as that they should not dare to give him any disturbance. From Braidalbin he went to castle Drummond, where he found the marquis of Drummond and his brother, sons of the duke of Perth, who sent notice on the instant to several of the clans, who were in their confidence, and also took measures to inform the chiefs in that part of the country. He went next day to Stirlingshire, to the seat of lord Kilsyth, but found that he was then in Edinburgh, as was also the earl of Wigton. The people of Stirlingshire, he found, however, to be unanimous for the service of the chevalier, and ready to range themselves under the command of the earl of Linlithgow. On the 22d, he repaired to the house of Cochran of Kilmaronock, in Dunbartonshire, where he remained for several days, in the utmost impatience for news of the chevalier's arrival, who, he knew, according to the measures taken, should have sailed from Dunkirk on the 11th of the month.*

While Fleming was thus in waiting, rumour gave to the chevalier a safe landing in the north, which induced him to set out with all speed for that quarter. On the road he fell in with several others going on the same errand, among whom were Seton of Touch, the Stirlings of Keir, and Cardon, &c. with whom he travelled for two days, at the end of which, finding themselves led astray by an idle rumour, they found it necessary to separate, and to shift each for himself in the best manner he could. Fleming continued his journey till he fell in with lord Nairn, who had been at Hamilton, where he found only the dutchess dowager, the duke having prudently retired to England, on pretence of necessary business, where he could amuse his Jacobite friends with professions, till the practical results of their measures should enable him to declare himself with safety. The dutchess professed to be zealous for

* Hooke's Secret Negotiations, pp. 119—163.

the chevalier; but, although lord Nairn gained over the minister of Hamilton, who, as an organ of the Presbyterians, had great influence over her, she would do nothing in the absence of her son.

Mr. Fleming now learned to his infinite mortification, that notwithstanding so many favourable appearances, his expectations were vain, the expedition under Forbin having totally failed, though, as yet, the Jacobites could not believe it. Should the French fail in Fife or Lothian, they made sure of them landing in Cromarty, or failing in Cromarty, they believed they would go round to the Frith of Clyde, where they could land without opposition. Yes, so great was their infatuation, that they believed the orders of the French king were peremptory to Forbin, to join his seamen to the land forces, run the ships on shore, and abandon them rather than lose the opportunity of making a descent, which was to accomplish such important results. This enthusiasm attributed to the French in the cause of James, by the Scottish Jacobites, was, however, altogether visionary. So very different was the real state of the case, that from the time the English fleet appeared before Dunkirk, the scheme was considered, by those who were to conduct it, as hopeless.* The embarkation of the troops was immediately suspended, and Forbin lost no time in representing to the minister at Paris, the great danger of the attempt, and the little probability of its being ultimately successful. But Louis had already committed himself, and, probably only to save appearances, Forbin was ordered to put to sea, the moment the blockading squadron should be blown off its station. In the mean time the chevalier was seized with the measles, and the troops were disembarked for a few days.† On the fourteenth of March, a violent tempest drove the British fleet back to the Downs, and on the seventeenth, at six o'clock in the evening, the French put to sea from the roads of Dunkirk, having ordered as many ships from the harbour to fill their place through the night, in

* Smollett's History of England. Burnet's History of his own Times.

† Lockhart Papers, vol. i. p. 241.

and the vast prospects opening before him, that he fell to "carousing with his friends," nor knew till the alarm was given, and he found it impossible to repossess the Frith.* The appearance of the British fleet, however, while it brought the deliberations of the enemy to a speedy conclusion, rendered pilots unavailing, and a smart land breeze springing up, they cut their cables and put to sea, in the utmost trepidation, with all the sail they could carry. The British gave chase, and the Salisbury, one of their line of battle ships, was speedily boarded and taken. During the night the French admiral altered his course, and by daylight was out of sight of the English squadron. Sir George Byng returned immediately to the Frith, where he was received with every mark of respect, and was presented with the freedom of the city of Edinburgh, in a gold box, as a testimony of the gratitude of its citizens, for having so opportunely dispelled their fears, and averted the dangers with which they were threatened.

Monsieur Andrezel, in his journal of the proceedings of the French fleet, states, that when the action commenced with the English, the Chevalier de St. George entreated the admiral, Forbin, to put him on shore, declaring that he was resolved to remain in Scotland, although none were to follow him but his domestics, which, Forbin, "after representing to him that it was very improper," refused to agree to. From the same document, we learn, that, when they were no longer pursued by the enemy, the marshal de Matignon, and the admiral count Forbin, proposed to the chevalier to attempt a landing at Inverness, which he agreed to; but as there was no pilot on board, who knew that coast, Ogilvie of Boyn was desired to go in search of one at Buchanness, when a strong wind arising, rendered it impossible for them to continue their course to the north. Being also under apprehensions of wanting provisions, they steered their course towards Dunkirk, where, after being tossed about, in very tempestuous weather, nearly a month, they arrived on the seventh of April, having lost the Salisbury, fallen into the hands of the enemy, and nearly all the land troops by disease, owing to the crowded state of the ships.

* Lockhart Papers, vol. i. p. 241.

Andrezel adds, that though the landing had taken place, the success of the expedition would have been, nevertheless, very doubtful, by reason of the uncertainty both of a fit place for landing, and of the succours that they were to expect to join them, and he seems to think it was no small degree of good fortune that carried them back to Dunkirk, after running so great hazard.*

Thus ended the first attempt of the Chevalier de St. George, which certainly did not advance either his interest or his reputation. It demonstrated to all who were not blinded by prejudice, that, in common with too many of his predecessors, he was infatuated with the superstitions of Popery, and intoxicated with the dream of inviolable prerogative, which must have detached from his interest, all who held enlightened views of the nature of society, and the legitimate ends of government, while it strengthened that mortal aversion, which the whole body of Presbyterians felt towards his family. Instead of resting solely upon his long line of ancestry, and assurances of assistance from the French government, assurances, which, it is highly probable, they never intended to make good, any further, than as they might operate in favour of their schemes of continental aggrandizement, had he cast himself upon the nation, admitted the Claim of Right, and, acting upon the principles of common sense, satisfied the Presbyterians, who, situated as they now were, and feeling as they now did, would certainly have been easier satisfied, than on some former occasions, he might almost by a mere volition, have placed himself upon that throne, from which, through mere folly and imbecility, his father had been ejected, and have left it a peaceable possession to his children. But he had strongly impressed upon him all those marks of special reprobation, which had long characterized his unfortunate family, and among others, that wayward obstinacy, which no prospect of advantage could bend, nor the most awful visitations subdue. Fortunately for the house of Hanover, he supposed he had no friends in Britain but Papists and high churchmen, who had been the plagues of the

* Hooke's Secret Negotiations, p. 156.

country for two centuries, and were feared and hated by the great body of the people. This circumstance, much more than the vigilance of the government, rendered his attempts not only abortive for the present, but gave to all his after efforts, a character of hopeless despair.*

Such a miserable failure, where so much had been expected, threw a sad damp over the Jacobites, who, for several days, previous to the expected landing, had carried themselves with great insolency toward their opponents, and the immediate imprisonment of their principal leaders, completed their confusion. The castles of Stirling and Edinburgh, with the prisons of the latter, scarcely sufficed to contain the multitudes of those, who, from the jealousy or the policy of the government, were thus treated. The circumstance was, indeed, of singular service to the ministry, with regard to the approaching elections, as it afforded them a fair pretext for imprisoning, or threatening to imprison, all from whom they feared any thing like effectual opposition, and by this means they carried them, generally speaking, entirely to their own minds. The

* James himself, it appears, did not as yet admit any such desponding ideas, nor had he learned to distrust either his faithless allies, or the weakness of his own judgment; for he had scarcely returned to St. Germain, when he despatched Charles Farquharson, with the following instructions, to his friends in Scotland.

"James R. You are to show these instructions to such as we have ordered you, and whose names, for their security, we will not here insert.

"I. You are to assure them of the concern and trouble we are in, on their account, as well as on our own, that this last enterprise has failed, occasioned by our sickness, the mistake of the pilots, and other unforeseen accidents, which gave the enemy the opportunity of preventing our landing in the frith; while, on the other side, violent contrary winds, the dispersing of the fleet, the ignorance we were in of the coasts, and want of provisions, hindered our landing in any other place. II. You are to assure them of the concern and pain we are in for them, to know their present condition, fearing they may have been brought into trouble after this enterprise has failed. III. You are to assure them, that far from being discouraged with what has happened, we are resolved to move heaven and earth, and to leave no stone unturned, to free ourselves and them; and to that end, we propose to come ourselves into the Highlands, with money, arms, and ammunition, and to put ourselves at the head of our good subjects, if they rise in arms for us, and if not, we do exhort them to rise, with all convenient speed, upon the expectation of our

prisoners, after some time, were divided into three classes, and in separate divisions carried up to London, where they were all thrust into close confinement. The duke of Hamilton, who, upon the approach of the French fleet, had been taken into custody, at his seat in the north of England, was brought up to London at the same time, and, taking advantage of the struggle which the whigs were at that time making to obtain the direction of the government, prevailed upon them to obtain his liberation, and that of all his fellow prisoners, upon condition of their throwing all their influence into the scale of the whigs, at the approaching election of the Scottish peers. "This certainly," says one, who was himself pretty deeply implicated in the business, "was one of the nicest steps the duke of Hamilton ever made, and had he not hit upon this favourable juncture, and managed it with great address, I am afraid some heads had paid for it, at least, they had undergone a long confinement; so that to his grace alone, the thanks for that deliverance were owing."*

The same author asserts, that "no doubt the government

arrival, which we intend shall be as soon as possible, after we have had an answer to this, by this our messenger, who is entirely trusted by us; and since we are so desirous of venturing of our person, we hope they will follow our example, this being a critical time which ought not to be neglected. IV. The most Christian King has likewise promised to support this undertaking with a sufficient number of troops, as soon as they can be transported with security. In the meantime we will stay in the Highlands, unless we be invited and encouraged by our friends in the Lowlands, to go to them. V. We desire they would consider this project, and, with all diligence send back this bearer, well informed of their opinion concerning it; as also, with an account of the state of the nation, of what troops are in it, of what country and how inclined, and what number of men they can bring into the field for us. VI. And in case they approve this our project, and promise to stand by us, we desire that all means may be used to get possession of the fort of Inverloch, and that they would inform us of the fittest place in the Highlands for our landing, and send along with the bearer, two or more able pilots, who know these places, and can conduct us into them. VII. And, in case they prove instrumental to our restoration, by doing what is here proposed to them, we promise to give them particular and essential marks of our kindness, and of the sense we have of all they have done and suffered on our accounts. J. R." *Stuart Papers.*

* Lockhart Papers, vol. i. pp. 248, 249.

expected to have had proof enough to have brought several of them, [the leading Jacobites,] to punishment, and he blesses God, that they failed in this," apparently without much foundation. So much publicity had been given to their transactions with the French court, and with that of St. Germain, and so much zeal manifested for forwarding the interests of these courts,—not to speak of the certain fact, that almost every member of the government had, either directly or indirectly, communicated with St. Germain, and so must have personally been acquainted with the greater part of its intentions—that to suppose there could have been any difficulty in finding proof to condemn almost every man among them, especially the tergiversating, irresolute duke of Hamilton, would leave a heavy stain upon the character of the then administration, as either grossly deficient in diligence, or in talents. The probability is, that they were not so bloodthirsty as this author has represented them, and that, being not altogether free themselves, they rather wished to wink at Scottish delinquency, than to punish it with severity, seeing it had been so feebly seconded, and foreseeing, as they must have done, that it could scarcely, from the circumstances of the country, be more vigorously followed out at any future period. They had probably sagacity enough to perceive, that the French court never had any serious intention, even though it had possessed the power, of placing James upon the throne of Britain. The Scottish Jacobites, blinded by ambition and pride, were such poor politicians, as to think, the king of Scotland being king of England, that Scotchmen and Scotch measures, should be predominant over both kingdoms, and this, after the experience of three reigns had demonstrated such things to be impossibilities. The French knew better, and aware, that whether a prince of Orange, an elector of Hanover, or a royal Stuart, filled the throne of Britain, the policy of his court, and the measures of his government behoved to be English, were at no great pains about the matter, further than by it to create a diversion in favour of themselves; and this, so long as they kept the Stuarts in their own hands, they supposed could be done at pleasure. On no other principle is it possible to account for their conduct on this occasion. By the extreme cau-

tion they observed, however, they did not derive all the advantages they might, at the time, have reaped from the project. Bishop Burnet has very justly remarked, "If they had landed, it might have had an ill effect upon our affairs, chiefly with regard to all paper credit, and, if by this, the remittances to Piedmont, Catalonia, and Portugal, had been stopped in so critical a season, that might have had fatal consequences abroad; for, if we had been put into such a disorder at home, that foreign powers could no more reckon upon our assistance, they might have been disposed to hearken to the propositions that the king of France would probably have made to them; so that the total defeating of their design, without its having the least ill effect upon our affairs, or our losing a single man in the little engagement we had with the enemy, is always to be reckoned as one of those happy providences for which we have much to answer."*

The parliament was prorogued on the 17th of April, 1708, and shortly after dissolved. Writs were immediately issued for new elections, and a proclamation, commanding the attendance of all the peers of North Britain, at Holyroodhouse, on the 17th of June, to elect sixteen peers to represent them in the ensuing parliament. In these elections, several of the most staunch Jacobites exerted themselves to the utmost, and in some instances were successful, particularly in the county of Edinburgh, where the famous George Lockhart, of Carnwath, was elected, in opposition both to the court and the Presbyterians, and which county he continued to represent, till the death of Queen Anne. In the main, however, the tories and the squadrone,† though they were united, did not succeed according to their expectations. Several of the tory lords, who had escaped being carried up to London, such as the earl of Aberdeen, the lords Saltoun, Balmerinoch, &c., under the influence of fear, going over to the side of the court, enabled the ministry, with a very few exceptions, to have the peers all of their own party. Among the commons too, many were

* History of his own times.

† A party in Scotland, headed by the marquis of Tweeddale—they were called the *Squadrone Volante*, from their pretending to act by themselves, and to cast the balance of the contending parties in parliament.

glad to lie by for the time, lest prosecutions should be raised against them, for their behaviour on occasion of the late invasion, in consequence of which, the whigs were in many places, elected with very little opposition.*

The new parliament, in which, notwithstanding all the pains that had been taken to prevent it, the whig interest was still predominant, was assembled on the 16th of November, 1708, when there arose long and violent debates respecting the Scottish elections, in which several of the eldest sons of Scottish peers had been elected to serve for counties, which, as it was repugnant to the Scottish laws of representation, occasioned numerous petitions and representations. This was a privilege the Scottish peers were anxious to possess, and the ministry were perfectly willing to concede, as by managing the father, they supposed they might at the same time, manage the son, and so increase their influence in both houses of parliament at the same time. Aware of this, and greatly exasperated against them, on account of the part they had performed in the treaty of union, the Scottish commoners exerted themselves with unanimity and vigour, and by the assistance of the English tories, and some old acts of the Scottish parliament, confirmed the incapacity of the oldest sons of peers, in consequence of which, the lords Haddo, Strathnaver, and Johnston, and the master of Ross, were expelled, and writs ordered to be issued, for electing others in their room.† Petitions were also pre-

* Lockhart Papers, vol. i. p. 294.

† "The Scots commons, to make good the incapacity of the peers' eldest sons, did prove by acts of parliament, that none of the three estates could inroach, or be incorporated with one another; and for proving, that the eldest sons of peers were reckoned a part of the same estate with the peers themselves, produced an Act of Parliament, regulating the apparell of the several estates and ranks of persons in Scotland, in which the peers and their eldest sons are expressly declared to be one and the same state. Lastly, they produced two extracts from the records of the Scots Parliament, by one of which it appeared, that the lord Livingston, chosen and returned for the town of Lithgow, was, on a petition against him, declared incapable to be elected; and by another, that a writ for electing a new member was issued, in the room of Mr. M'Kenzie, whose father, since his being elected to serve for some of the northern countys, had been created Lord Viscount of Tarbet." Lockhart Papers, vol. i. p. 299.

sented to the house of lords, on behalf of some peers, complaining of undue returns, in consequence of the duke of Queensberry, who had been created a British peer, having assumed two votes in the election of the sixteen Scottish peers, a circumstance, it was contended, inconsistent with the privilege of peers, who are supposed to be equals. After a keen debate, the votes of the duke of Queensberry were set aside, though he was supported by the whole weight of the government. It was, at the same time, determined, that the noblemen confined in the castle of Edinburgh, on suspicion of being Jacobites, had a right to sign proxies, after taking the oaths to the government.*

The Scottish members, peers and commoners, it may here be noticed, were divided into two factions, one headed by the duke of Queensberry, the other by the dukes of Hamilton, Montrose, and Roxburgh, who were supported by the earl of Sunderland and lord Somers. Queensberry was in great credit with the queen, and his influence in elections was so great, that all offices in Scotland were bestowed according to his recommendation.

An inquiry into the state of the nation, suggested by the late attempt at invading Scotland, was such an obvious and easy mode of harassing the ministry, that it could not have been overlooked, even by a more feeble opposition, than that which was now growing up in the British parliament. This inquiry, besides tending to criminate the ministry, enabled the tories to make a vast parade about their own loyalty, and their great zeal for the interests of her majesty, which her ministers, they contended, had most shamefully neglected, by being utterly unprepared for such a formidable attack, though, as they attempted to demonstrate, perfectly aware that it was to be made. They also clamoured violently against the severity exercised, in apprehending persons of quality, upon pretended suspicions of high treason, while the real motive had only been, by confining these persons, to remove the possibility of their

* Somerville's History of Great Britain, during the reign of Queen Anne, p. 328. Macpherson's History of Great Britain, vol. ii. pp. 370, 371. Smollet's History. Burnet's History of his own times, &c.

opposition in the elections that were just then coming on. Here, however, the Scottish tories, though extremely willing to forward the views of their southern brethren, were under the necessity of acting with great caution, knowing, that they were still liable to prosecution, for the part they had acted in that affair, and, however eloquently these charges were made, or, however plausibly supported, the house was so little disposed to find fault, that the inquiry ended in an address to the queen, containing resolutions, that timely and effectual care had been taken to disappoint her majesty's enemies, both at home and abroad.

Considerable wrangling was also occasioned, by an application from the Scottish merchants, for the drawback upon some salted provisions exported, which had been refused by the custom-house officers, on the plea that the salt had been purchased before the union, and, of course, that they could not be entitled to the drawback. Though this argument was very easily refuted, the drawback was not obtained without great difficulty; and from this circumstance it was inferred by Scottishmen, that England had no intention to further the trade of Scotland, except in so far as she could not possibly avoid it.*

Towards the end of the session also, a bill originated in the house of lords, intituled, An Act for improving the union of the two kingdoms, which occasioned much altercation. It related to trials for high treason in Scotland, which, by this act, were regulated according to the manner of proceeding in such cases in England. The Scottish members, especially the tories, who knew that it was intended for them, in case of another invasion by the pretender, contended, that it was an encroachment upon the forms of their law, and a manifest breach of the union, an encroachment which might occasion much inconvenience, and manifold hardships to many innocent individuals. It was, however, triumphantly carried, and received the royal assent; but, to palliate it in some degree, it was followed, shortly after, with an act of grace, by which all treasons were pardoned, those excepted, which had been committed upon the high seas, which exception was levelled against

* Lockhart Papers, vol. i. p. 300.

those who had embarked in the immediate train of the chevalier.*

The union might now be said to be in a considerable degree consolidated, and Scotland, it was evident, had sunk into comparatively political insignificance. She was now, indeed, suffering many, if not all the inconveniences that had been predicted would most certainly flow from that measure, while as yet she was reaping none of the promised benefits. Trade was not only at a low ebb, but, in many instances, annihilated. Agriculture languished, and the great body of the people were pining in extreme wretchedness. The nobility, still devoid of patriotism or public spirit, steeped in poverty, and devoured with pride, were, one part of them, in characteristic meanness, courting, for the sake of places and pensions, the smiles of the English ministry, and another, who reckoned themselves patriots of the highest order, still more basely cringing to the French king, through the medium of the chevalier de St. George, and the few papists, with which, under the mock name of a court, he was surrounded, and with whom there was still carried on a most active correspondence.† One part of her constitution, however, the ecclesiastic, she had reserved entire, and by an article, embodied in the treaty of union, it was declared unalterable. From the nature of this constitution, the parity of its ministers, the popularity of its forms, and the hold which it had upon the affections of the people, it could not fail to elicit consequences deeply affecting the interests of society.

A long train of adverse events too, had previously placed the Scottish church in circumstances of peculiar difficulty. For a period of twenty-eight years, she had not only been in the fiery furnace of relentless persecution, but had been, at the same time, assailed by all the arts of courtly duplicity and Jesuitical cunning. Ensnaring indulgences, craftily framed for the purpose of dividing and entrapping her members, and undermining her principles, had been in a variety of forms pressed upon her, in consequence of which, many had fallen from their

* Lockhart Papers, vol. i. p. 301.

† Hooke's Secret Negotiations, pp. 190—203. Stuart Papers, &c. &c.

steadfastness, the lamentable consequences of which were severely felt. Nor at the time her constitution was settled by the Revolution parliament, did she succeed in fully recovering her lost liberties. A powerful, violent, Jacobitical faction,* aided by all the influence of the church of England, exerted itself to the utmost, to thwart every movement that was made in her favour, while her advocates, selfish, timid, and timeserving, shrunk from the contest, and, by a tame compromise, attempted to blunt the edge of that opposition, which, for the want of stern integrity, they feared openly to encounter. The settlement, of course, embraced all the indulged without exception. Many of the curates, and even some who had had an active hand in the infamous prosecutions of the preceding period, were, without either public repentance or public censure, allowed to sit down as her accredited teachers, and leaders in her public judicatories.†

In consequence of the above state of matters, a considerable body of the people, refused to join in her communion, and a great many more, though they did join in communion with her, did it only, with what they termed the faithful party, who were sensible of the situation in which they were placed, and labouring to have the most glaring parts of her administration corrected. The former of these, had been united in corre-

* Through the diligence of this faction, the London press teemed with sophistical and scurrilous pamphlets for several years, which were circulated all over Scotland with great industry, and are yet frequently to be met with, such as, "Scotch Presbyterian Eloquence," "The Case of the Afflicted Clergy in Scotland," Account of the late Establishment of Presbyterian Government in Scotland," &c. &c., mostly penned by Dr. John Sage, and A Vindication of the Government in Scotland, during the reign of Charles II. by Sir George Mackenzie, late Lord Advocate. See Dr. M'Crie's Lives of Veitch and Bryson. Collection of Pamphlets, in the library of the late Lord Hyndford, &c. &c.

† Plain Reasons for Presbyterians dissenting from the Revolution Church. A Solemn Warning by the Associate Synod, &c. &c. See also a Letter from King William to the Commission of the General Assembly, dated February 13th, 1690, wherein, by his royal authority, he enjoins the receiving into ministerial communion, such as had served under the late Episcopacy, provided their characters are as by him described; and till this is done, forbids them to proceed in any other business.

sponding societies, from about the year 1680, at, or a little before which they separated themselves entirely, under Messrs. Cargill and Cameron, from their brethren, who approved, or had taken the benefit of the Indulgence, who, in return, bestowed upon them the nickname of Cameronians, and at the same time gave to the world such distorted views of their principles and feelings, that the lapse of one hundred and forty-five years has failed to correct. "In England, and other places where our Scots affairs are very little known," says Wodrow, "the Cameronians and Presbyterians are taken for the same. Every thing these people did, without any distinction, is charged upon Presbyterians, and even what they did, is very much aggravated and misrepresented. The prelatists among ourselves help on this mistake, and are very willing to confound the two kinds of sufferers in this period, though they cannot but know, how much the two parties might have been differenced. And 'tis certain it fared much worse with the whole of the nonconformists from prelacy; for the lengths these people ran to at some junctures, and the prelates, who lay at catch for a handle to instigate the government against Presbyterians, improved what fell out this year extremely." Wodrow was partial to the indulged ministers, and had, it is evident, no very high opinion of such as stood out against them, yet he owns "there were among these people a good many of a healing temper, though many times they were over driven, and many excellent persons of eminent piety and seriousness, whose zeal brought them to be carried into the measures of some others, who had not their piety and religion; and a great many, by reason of the common danger, and a wandering lot, were obliged to be with them, who did neither approve of their extremities, nor countenance them; and vast numbers of the more common sort knew nothing of their heights, but were with them, and owned some of their principles, out of a sincere regard to the Reformation rights, and solemn covenants of this church, without being capable of knowing the consequents. In short, all of them, as far as ever I could find, were sincere Protestants, and firm in their opposition to Popery as well as Prelacy, and upon that score came under the greatest hardships, under the reign of a Papist;

therefore, I saw no reason to pass their sufferings, though in some things I cannot agree with them as to the cause upon which they stated them.”*

Richard Cameron being cut off at Airmoss, in the month of July, 1680, and Mr. Cargill falling into the hands of the government, in the year following, these society people, as they were called, continued to strengthen one another's hands, by private meetings for prayer and conference, without any public dispensation of ordinances, till the month of September, 1688, that Mr. James Renwick, who had been by them sent out to finish his education, and obtain ordination in Holland, lifted up the standard of the gospel among them, in the moss of Darnead, and upon his ministrations, at the hazard of his and their own lives, they attended, in the most sequestered wilds and fastnesses of the country, till the beginning of 1688, that he too fell into the hands of the persecutors, and was the last that suffered unto death for the cause of religion in Scotland. On the death of Mr. Renwick, they were again left without an ordained minister, but the famous Alexander Shields, who previously had adjoined himself to their number, being then a probationer, continued to preach in the fields as opportunity offered, notwithstanding the unabated rage of the persecutors, till he was relieved by Mr. Thomas Linning, who had been maintained by the societies for a considerable time at his studies abroad, and at this juncture returned with testimonials of his ordination to the work of the ministry by the classes at Embden. Mr. William Boyd, another of their students, returned at the same time, and furnished in the same manner, from Holland, and the arrival of the prince of Orange, and the consequent flight of James, having freed them from external molestation, they, in conjunction renewed the covenants, and dispensed the sacrament to a vast multitude, at Borland hill, Lesmahago, in the month of March, 1689. All the three continued their ministrations in the work of the gospel with the same people for some time; but upon the meeting of the first General Assembly of the church after the Revolution, which convened at Edinburgh, October the sixteenth, 1690,

* Wodrow, folio ed. vol. ii. p. 133.

they gave in proposals for removing obstructions that lay in the way of comfortable fellowship with that church, and finally submitted to the decision of the assembly, in consequence of which, the societies were once more left without public instructors.

In this state they continued—for the representations of Mr. Linning, closed upon them the doors of the foreign universities, whither in like cases they had been accustomed to resort—till the month of October, 1706, when the general meeting at Crawford John, after much deliberation and many lengthened discussions, carried on at various meetings during several of the preceding years, presented a call to the Rev. John Mackmillan, minister of Balmaghie, which he accepted, though he did not enter upon ministerial labour among them till the month of December following.* Mr. Mackmillan had been regularly inducted into the pastoral charge of the parish of Balmaghie, so early as the year 1701, and being zealously attached to the severer principles of the Scottish church, he, in conjunction with Mr. William Tod, minister at Buitte, and Mr. John Reid, minister of Carsphairn, presented, in the month of July, 1703, a paper of grievances to the presbytery of Kircudbright, praying, that measures might be adopted for redressing them; but so far was the presbytery from being disposed to listen to the prayer of the petition, that the petitioners were dealt with, immediately to withdraw their paper, and retract their statements, which when Mr. Mackmillan declared he had no freedom to do, he was libelled, suspended, and deposed in a manner altogether unprecedented in Presbyterian churches.† To this sentence of the presbytery, he could not in conscience submit, and his parishioners, convinced that he had taught nothing but what were generally at that time received as the undoubted doctrines of the

* Conclusions of the General Correspondence for 1706. MS. in the possession of the Reformed Presbyterian Synod. Account of the last words of Mr. John Mackmillan. Letter from Mr. John Mackmillan, Sandhills, 1773, printed along with Mr. Thorburn's *Vindiciæ Magistratus*.

† Plain Reasons for Presbyterians Dissenting from the Revolution Church, printed at Edinburgh, 1733, pp. 151, 152. Letter from Mr. Mackmillan of Sandhills, &c.

Reformation, stood by him as one man, refused to break up their relation to him as a spiritual overseer, and, in defiance of the authorities, ecclesiastic and civil, kept him in possession of the church and the manse, till, in deference to the prejudices of a number of the people with whom he had connected himself, he relinquished them of his own accord, after the lapse of many years. The presbytery, in conjunction with the patron, lost no time in forcing another incumbent upon the parish; but a barn was more than sufficient to contain his hearers, and he was under the necessity of hiring a house for his own accommodation.*

Though the accession of Mr. Mackmillan was of considerable consequence to the societies, inasmuch, as by his means, they enjoyed partially—for they were too numerous, and too widely

* “Religious controversy is at present little known here. Towards the beginning of the present century, this was by no means the case. Several ministers in the neighbourhood had adopted the tenets of the Cameronians. To these Mr. John Mackmillan of this parish adhered with such inflexible firmness, that the presbytery of Kirkcudbright found cause to depose him from his office. Such, however, was his influence, and the spirit of the times, that the people retained their attachment to him, and resisted every attempt to eject him from the manse and church. Mr. William Mackie, though legally inducted to the charge, was obliged to hire a house for himself, and to officiate in a barn to those who were willing to acknowledge, and attend his ministry. When some of his adherents went to plough the glebe for his benefit, those of his adherents rose up against them, cut the reins in pieces, turned the horses adrift, and threw the ploughshare into the adjoining lake. Some threatened violence to the minister's person. An infuriated female actually attempted the execution of it, and would probably have effected her purpose, had he not interposed his hand between his throat and a reaping sickle, with which she was armed. His fingers were cut to the bone. The glove which he wore was carefully preserved, as a memorial of the providential escape he had made. Another woman who was present, exclaimed, shed no blood, and her advice was followed. It was remarked by the country people, that the intended assassin never prospered afterward, and that by her own hand she terminated a life which she was unable to endure. At length, after the struggle in the parish had continued twelve years, Mr. Mackmillan retired voluntarily, and became an itinerant preacher, and founder of the sect of the Mackmillanites, or modern Cameronians, who assume the designation of the Reformed Presbytery.” *Account of the Parish of Balmaghie. Statistical Account of Scotland, vol. xiii. pp. 648, 649.*

There is a want of accuracy in this statement, as there is in too many of the statements regarding religion, in that celebrated work. Mr. Mackmillan

separated, to be often convened in one assembly—the preaching of the word, and the administration of the sacraments, it does not appear to have added materially, either to their numbers or their political influence. Wanting a coadjutor in the ministry, he could form no higher court of judicature than a session, which, besides that it possessed not the powers of ordination, in consequence of which, he could neither have an assistant nor a successor in the ordinary way, was utterly incompetent for determining the controversies, that in a body so extensive, so speculative, and so peculiarly circumstanced, could not fail to be frequently agitated. Questions, sometimes frivolous, not to say foolish, as well as those of deeper importance, for the want of a proper tribunal, before which they might be tried and disposed of, were laid over, and behaved to

was not in any sense of the term the founder of a sect. Instead of modifying the views of those with whom he associated after being irregularly deposed by the presbytery of Kirkcudbright, which is surely the very least that can be required of the founder of any professing body, those with whom he associated appear in no small degree to have modified his; and it was not till after many conversations, and much deliberation, that he at length acceded to the proposals which had on their part been made to him. Of the legal induction of Mr. Mackie to the parish of Balmaghie, we have the following short account, from the pen of Mr. John Mackmillan, junior, in his letter to Mr. Thorburn: "When the presbytery of Kirkcudbright found, that neither by crafty nor violent measures, they could put Mr. Mackmillan out of Balmaghie, nor alienate the affections of the people from their minister, they licensed Mr. McKee, the patron's chaplain, and sent him to preach through different quarters of the parish, and try by that means to divide and break the congregation. That proving unsuccessful, they offered the parish their choice of any one that they pleased to fix upon, if they would give up their relation to Mr. Mackmillan; but if they would not comply, threatened they should get none but Mr. McKee; and, accordingly, they proceeded, and ordained him at Balmaghie, when he had only nine persons beside the patron, in all the parish, to own him as their minister." It has, indeed, been long a practice, instead of inquiring into the grounds of difference among religious bodies, and, by the light of Scripture and right reason, endeavouring to remove them, to hold them up to ignorant ridicule, by the most false and calumnious statements. One instance shall suffice for hundreds that could easily be collected. "These peculiarities," that of asking a blessing to a dram of brandy, says a learned professor in his notes to the letters of captain Burt, printed at London, so late as the year 1818, "are now rarely to be met with, except among Presbyterian Seceders, and not always among them, and among the remnant of the covenant, called Cameronians. This last are mostly of the very lowest

be, so far, matter of forbearance, till a court should arise, they knew not when nor where, before which they might be settled in due form. The societies were still continued, and their assembly of delegates, known by the name of the general correspondence, while it could not fail to be the source of influence, was also the centre around which was continually clustering all the peevishness and extravagancies belonging to the body, and these were often such, as Mr. Mackmillan, with all the influence that has been ascribed to him, was utterly unable to control. He succeeded, however, in reconciling the Eskdale correspondence to their brethren, after they had maintained a state of separation for several years, on account of some things in the second declaration which they could not approve.* A proposal which had been made thirteen years before, for an agreement with Mr. John Hepburn was also renewed, but did not succeed. During the discussions, however, Mr. John M'Neil, a preacher in the national church, but who had been

class; but even their vigour begins to relax; they have discontinued their annual pilgrimage to the Pentland hills, to vent their impatience and rage against their Maker, for not avenging the blood of his saints upon the posterity of their persecutors: they condescend to preach in houses when the weather is bad; and many of them have even used fanners to winnow their corn, although that wicked machine was long anathematized as a daring and impious invention, suggested by the devil for raising artificial wind, in contempt and defiance of Him, who made the wind to blow where it listeth." *Letters from a Gentleman in the North of Scotland, &c. note, vol. i. p. 176.*

It would be almost a relief to be able to believe, that such statements were made from ignorance, and not from malignity, or the pitiful pleasure of uttering what might be thought a good joke. This last was probably all the above writer had in view; but in this way he is excelled, by the statist of Hounam, who, in his account of that parish, states the number of ale houses to be two. "The effect they have," he remarks, "is rather unfavourable to the morality of the people; who are, however, in general piously disposed, and rational in their religious sentiments: which is perhaps somewhat the more remarkable, as Gateshaw is bordering on this parish, where there has been, from the beginning of the Secession, a meeting house of the wildest kind of Seceders, the Antiburghers, who are zealous in disseminating their principles, not supposed very favourable to morals and true piety." *Statistical Account of Scotland, vol. xxi. p. 19.*

* Conclusions of the General Correspondence, MS. in the possession of the Reformed Presbyterian Synod, p. 55. *Informatory Vindication, &c.*

deprived of his license for standing in opposition to some parts of her public managements, deserted the party of Mr. Hepburn, to which he had been supposed to be attached, and went over to the views of Mr. Mackmillan and his party,* which were, in a third Declaration, published at Sanquhar, on the 22d day of October, 1707, declared to be not only directly opposed to the union, as those of the greater part of Presbyterians were, but, as those of the societies had for the most part always been, in opposition to the existing order of things, both in church and state. This paper is entitled, "PROTESTATION and TESTIMONY of the United Societies of the witnessing remnant of the ANTIPOISH, ANTIPRELATIC, ANTIERASTIAN, ANTISECTARIAN, true Presbyterian Church of Christ in Scotland, against the sinful incorporating Union with England, and their British parliament, concluded and established, May, 1707," and as it is not of great length, and still holds its place among the standards of that body, we shall give it without abridgment, in a note.†

* Conclusions of the General Correspondence, MS. in the possession of the Reformed Presbyterian Synod, p. 56.

† "It will no doubt be reported by many, very unseasonable to protest at this time against this *Union*, now so far advanced by their law established, but the consideration of the superabundant, palpable, and eminent sins, hazards, and destructions to religion, laws, and liberties that are in it, and naturally attend it, is such a pressing motive, that we can do no less for the exoneration of our consciences, in showing our dislike of the same, before the sitting down of the British Parliament, lest our silence should be altogether interpreted either a direct, or indirect owning of, or succumbing to the same. And, though having abundantly and plainly declared our principles formerly, and particularly in our last Declaration, May 21st, 1703, against the then intended Union, and waiting for more plain discovery with, and opposition unto, this abominable course, by those of better capacity, yet being herein so far disappointed in our expectations of such honourable and commendable appearances for the laudable laws and ancient constitution of this kingdom, both as to sacred and civil concerns, all these appearances, whether by addresses or protestations, being so far lame and defective, as that the resolutions and purposes of such has never been fairly and freely remonstrate to the contrivers, promoters, and establishers of this Union. The considerations of which and the lamentable case and condition the land already is, and may be, in, by reason of the same truth, moved us after the example, and in imitation of the cloud of witnesses, who have gone before us, to protest against the same, as being contrary to the word of God, Lev. xxx. 23. 2 Chron. xx. 35.

From this paper, whatever may be thought of their loyalty to queen Anne, it is perfectly evident that they neither were, nor could be, Jacobites, as they have often been ignorantly,

36, and repugnant to our former union with England, in terms of the Solemn League and Covenant.

"And whereas, it hath been the good will and pleasure of Almighty God, to grant unto this nation a glorious and blessed Reformation of the true Christian religion, from the errors, idolatry, and superstitions of popery and prelacy, and therewithall to bless us with the power and purity of heavenly doctrine, worship, discipline, and government in the church of God, according to his will revealed in the Holy Scriptures, and to let us have all this, accompanied and attended with many great and singular blessings in the conversion and comfort of many thousands, and in reforming and purging the land from that gross ignorance, rudeness, and barbarity that once prevailed among us. Wherefore, our zealous and worthy forefathers, being convinced of the benefit and excellency of such incomparable and invaluable mercies, thought it their duty, not only by all means to endeavour the preservation of these, but also to transmit to posterity a fair *deposition* and copy in purity and integrity, and as a fit expedient and mean to accomplish and perfect the same, they entered into the National Covenant—no rank nor degree of persons from the highest to the lowest excepted—wherein they bound themselves to defend the Reformation of religion in every part and point of the same, with their lives and fortunes, to the utmost of their power, as may be seen in the National Covenant of this church and kingdom, which was five times solemnly sworn.

"Like as the Lord was so pleased to bless our land, and to beautify it with his presence, that our neighbour nations of *England* and *Ireland* who beheld this, and were groaning under, and likewise aiming at, the removal and abolishing of *popery* and *prelacy*, had sought and obtained assistance from this nation, to help them in their endeavour for that end, and had been owned of God with success. They likewise thought it fit to enter into a most solemn League and Covenant with this church and kingdom, for reformation and defence of religion wherein, with their hands lifted up to the most High God, they do bind and oblige themselves to maintain, preserve, and defend, whatever measure and degree of Reformation they had attained unto, and mutually to concur, each with another, with their lives and fortunes, in their several places and callings, in opposition to all the enemies of the same, as may be seen at large, in the Solemn League and Covenant. By means of which, these nations became, as it were, dedicated and devoted to God, in a peculiar and singular manner, above all other people in the world, and that by an indissoluble and indispensable obligation to perform, observe, and fulfil, the duties sworn to, and contained therein, from which no power on earth can absolve us. And so to carry on the ends of the same, and to evidence our firm adherence to it, with the utmost of our endeavours in opposition to every thing contradictory or contrary unto, or exclusive of these our sacred

perhaps sometimes maliciously, represented; and that such a paper could be published, and boldly adhered to on all occasions, without incurring public punishment, sets the mild

vows. We have from time to time, for these several years bypast, emitted and published several declarations and public testimonies against the breaches of the same, as is evident, not only from our declarations of late, but also from all the wrestlings and contendings of the faithful in former times, all which we here adhere to and promulgate, as they are founded upon the word of God, and are agreeable thereto.

"And, in this juncture, to perpetuate and transmit to posterity the testimony of this church, and to acquit ourselves as faithful to God, and zealous for the concerns of religion and every thing that is dear to us as men and Christians. We here testify and protest against the prompters or establishers of, and against every thing that hath tended to the promoting, advancing, corroborating, or by law establishing, such a wicked and ruining Union, and hereby we also declare against the validity of the proceedings of the late parliament, with reference to the carrying on, and establishing the said Union, and that their acts shall not be looked upon as obligatory to us, nor ought to be by posterity, or any way prejudicial to the cause of God, and the Covenanted work of Reformation in this church, nor to the being, liberty, and freedom of *parliaments*, according to the laudable and ancient practise of this kingdom, the which we do not only for ourselves, but also in the name of all such as shall join or concur with us in this our protestation, and therefore we protest.

"In regard that the said *Union* is a visible and plain subversion of the fundamental, antient constitutions, laws, and liberties of this kingdom, which we, as a free people, have enjoyed for the space of about two thousand years, without ever being fully conquered, and we have had singular and remarkable steps of providence, preventing our utter sinking, and preserving us from such a deluge and overthrow, which some other nations more mighty and opulent than we have felt, and whose memory is much extinct. While, by this *incorporating Union with England* in their sinful terms, this nation is debased and enslaved, its antient independency lost and gone, the *parliamentary power dissolved*, which was the very strength, bulwark, and basis of all liberties and privileges of persons of all ranks, of all manner of courts and judicatories, corporations and societies within this kingdom, all which now must be at the disposal and discretion of the *British parliament*, (to which by this *Union* this nation must be brought to full subjection,) and further, the number of peers, who have many times ventured their lives for the interest of their country, having reputation and success at home, and were famous and formidable abroad, and the number of barons and burrows, famous sometimes for courage and zeal for the interest of their country, (and more especially in our reforming times,) all these reduced to such an insignificant and small number in the *British parliament*, we say (as is also evident from the many protestations given in to the late *parliament* against this *union*, how far it is contrary to the

and liberal spirit of the British government in a more imposing point of view than any description; and, especially when contrasted with the conduct of the Scottish government but a very

honour, interest, fundamental laws, and constitutions of this kingdom, and palpable surrender of the sovereignty, rights, and privileges of the nation, and how by this surrender of *parliament* and *sovereignty*, the people are debtded of all security as to any thing that is agreed to by this *Union*, and all that is dear to them is daily in danger to be encroached upon, altered, or subverted by the said *British parliament*, managed entirely by the *English*, who seldom have consulted our welfare, but rather have sought opportunities to injure us, and are now put in greater capacity, with more ease to act to our prejudice, and poor people to be made liable to taxes, levies, and unsupportable burdens, and many other imminent hazards and impositions, all which we here protest against.

"As also that which is little considered, (though most lamentable,) how the fundamental constitutions should be altered, subverted, and overturned, not only *renitente et reclamante populo*, but also by such men who, if the righteous and standing laws of the nation were put in execution, are incapable of having any vote or suffrage in any judicatory, seeing the Covenants, National and Solemn League, which had the assent and concurrence of the three estates of parliament, and the sanction of the civil law, cordially and harmoniously assenting to, complying with, and corroborating the acts and canons of ecclesiastic courts in favour of their covenants, whereby they became the foundation, limitation, and constitution of the government, and succession to the crown of this realm, and the qualifications of all magistrates, supreme and subordinate, and of all offices in church, state or army, and likewise the ground and condition of the people's obedience and subjection, as may be seen in the acts, laws, and practices of these times, witness the admission of Charles II. to the government, *anno* 1651. From all which it is evident how blind such men have been, who not only have enslaved the nation, but have rendered themselves infamous, by such an open and manifest violation of these solemn and sacred vows to the most High God, to the obligation of which they, as well as the rest of the land, are indispensably bound.

"But ah, when we mention these covenants, how notorious and palpable is the breach thereof, and indignity done to these solemn vows by the sinful union, by means whereof they come to be buried in perpetual oblivion, and all means for prosecuting their ends are so blocked up by this incorporating union with *England*, as that whatever is, or may be done, or acted contrary therunto, or in prejudice thereof, by any of the enemies of the same, cannot be reminded in a due and spiritual exercise of church discipline, and execution of the laws of the land against such transgressors, and if we would open our eyes, and consider a little with reference to the National Covenant, we may clearly see, that this incorporating union is directly contrary to this particular oath and vow made to God by us in this kingdom, which we are obliged to fulfil and perform in a national state and capacity, as we are a par-

short time before its extinction, ought to have made every wise, and every honest man ashamed of the vulgar and violent in-

icular nation by ourselves, distinct in the constitution of our government and laws from those of England and from all others. But now, when we cease to be a particular nation, we being no way distinct from that of *England*, (which is the very genuine and inevitable effect of the union,) how then can we keep our national vows to God, when we shall not be a particular nation, but only (by means of this incorporating union) made a part of another nation, whose government is managed, as is very well known, in many things directly contrary to what is contained in the National Covenant of this land, though we have charity to believe there shall multitudes be found in the land, who will grant and acknowledge themselves bound to the observation of that oath by an indispensable tie, which no power on earth can dissolve.

"And what a palpable breach is this wicked union, of our Solemn League and Covenant, which was made and sworn with uplifted hands, to the most High God, for purging and reforming his house in these three nations, from error, heresy, superstition, and profaneness, and whatever is contrary to sound and pure doctrine, worship, discipline, and government in the same. And so it involves this nation in most fearful perjury before God, being contrary to the very first article of the Covenant, wherein we swear to contribute our utmost endeavours in our several places and callings, to reform *England* in doctrine, worship, discipline, and government; but by this union, both we and they are bound up for ever, from all endeavours and attempts of this nature, and have put ourselves out of a capacity to give any help or assistance that way, but on the contrary, they come to be hardened in their impious and superstitious courses. And how far contrary to the second article, where we solemnly abjure prelacy for ever, when by this union, prelacy comes to be established, and placed on the surest and strongest foundation imaginable, as is evident from the ratification of the articles in the *English parliament*, with the exemplification of the same in the *Scots parliament*, where the *prelatic government in England is made a fundamental article of the union*, so it is also impossible for us to fulfil the other part of that article, where we forswear schism with a legal toleration of errors, which a legal toleration of errors will infer and fix among us as the native result, and inevitable consequence of this union. And how far this is contrary to the word of God, Deut. xiii. 6—12. and to our covenants any considering person may discern. As to the third article, any may see how far it is impossible for us to preserve the rights, liberties, and privileges of parliament and kingdom, when divested both of our parliaments and liberties in a distinct national way, or yet according to the same article, where we are obliged to maintain and defend the king his majesty's person and government, in defence and preservation of the true religion, how can it be supposed that we answer our obligation part of the covenant, when a corrupt religion is established, as is by this union already done, when *prelatic government is made a fundamental article thereof*. And it is a clear breach of the fourth article of the Solemn League and Covenant, where we

vectives with which, even in its earlier career, it was too generally assailed.

swear to oppose all malignants and hinderers of Reformation and religion, and yet by this union, the prelates, who themselves are the very malignants and enemies to all further Reformation in religion, are hereby settled and secured in all their places of power and dignity, without the least appearance, or ground of expectation of any alteration for ever.

How offensive and displeasing to God this accursed Union is, may be farther evident *by its involving this land in a sinful conjunction and association with prelatie malignants, and many other enemies to God and godliness, and stated adversaries to our Reformation of religion, and sworn to principles in our Covenants, National and Solemn League.* And particularly, as this Union embodies and unites us in this land in the strictest conjunction and association with *England*, a land so deeply already involved in the breach of covenant, and pestered with so many sectaries, errors, and abominable practices, and joins us in issue and interest, with those that are tolerators, maintainers, and defenders of these errors, which the word of God prohibits, 2 Chron. xix. 2. Isa. viii. 12, &c. and our sacred Covenants plainly and expressly abjures. And farther, *how far and deeply it engages this land in a confederacy and association with God's enemies at home and abroad, in their expeditions and councils, a course so often prohibited by God in his word, and visibly plagued in many remarkable instances of providence, as may be seen both in sacred and historical records, and the unlawfulness thereof, on just and Scriptural grounds, demonstrate by many famous divines even of our own church and nation, and set down as a cause of God's wrath against this church and kingdom.* And how detestable must such an Union be, whose native tendency leads to wear off from the dissenting party in *England*, all right, sense, consideration, and belief of the indispensibility of the Solemn League, and hardening enemies in their opposition to it, and those of all ranks in the habitual breach of it. Yea, also, how shamefully it leads to the obliteration and extinguishing all the acts of parliament and assemblies made in favour of this Covenant and Reformation, especially between 1638 and 1649, inclusive. And not only so, but to a trampling on all the blood of martyrs, during the late tyrannical reigns, and a plain burying of all the testimonies of the suffering and contending party in this land, in the firm, faithful, and constant adherence to the Covenanted work of Reformation, and their declarations, protestations, and wrestlings against all the indignities done unto, and usurpations made upon, the royal crown and prerogative of the Mediator, and all the privileges and intrinsic rights of his church. We say, not only burying these in perpetual oblivion, by this capestone of the land's sins and defections, but also opposing and condemning these as matters of the least concern, and trivial, as not being worthy of the concern and suffering for, whereby those who ventured their lives and their all, may be reported to have died as fools, and suffered justly.

"We cannot omit also to declare and testify against the constitution of the *British parliament*, not only upon the consideration of the foresaid

But Mr. Mackmillan and Mr. Macneil, it appears, did not think the above paper, bold and specific as the language

grounds and reasons, but also upon the account of the sinful mixture and unlawful admission of bishops and churchmen, to have a share in the legislative power, or in place of civil courts or affairs, and there to act or vote forensically in civil matters, a thing expressly forbidden and discharged by Christ, the only head and Lord of his own house, whose kingdom as Mediator, is not of this world, but purely spiritual, and so the officers in his house, must be spiritual; so that the civil power of churchmen, is a thing inconsistent and incompatible with that sacred and spiritual function. Upon which consideration, how palpable a sin will it be, to subject to, or accept of any oath that may be imposed by the said British parliament, for the maintenance and support of such an Union, or for recognoscing, owning, and acknowledging the authority of the said parliament? And that because of our swearing, and promising subjection to the said parliament, we do thereby homologate the foresaid sinful constitution, and swear and promise subjection to the bishops of England, who are a considerable part of that parliament, and so we shall be bound and obliged to maintain and uphold them in their places, dignities and offices, which is contrary to the word of God, and our Covenants, while the very first article of the Solemn League, obliges us to endeavour the Reformation of religion in the kingdom of England, in doctrine, worship, discipline and government, according to the word of God, as well as in Scotland. And it is very well known, that the government of bishops is not according to the word of God, but contrary to it, 1 Pet. v. 3. Mat. xx. 25, 26. and, likewise contrary to the second article of the Solemn League, whereby we are obliged to the extirpation of prelacy, that is, church government, by archbishops, bishops, &c. which we will be obliged by such an oath, to maintain and defend; besides, from the consideration of the person, that by the patrons and establishers of this Union, and by the second article of the Union itself, is nominated and designed to succeed, after the decease of the present queen Anne, in the government of these nations, viz. the prince of Hanover, who has been bred and brought up in the Lutheran religion, which is not only different from, but in many things contrary unto that purity in doctrine, Reformation and religion, we in these nations, had attained unto, as is very well known. Now the admitting such a person to reign over us, is not only contrary to our Solemn League and Covenant, but to the very word of God itself, Deut. xvii. requiring and commanding one from among their brethren, and not a stranger, who is not a brother, to be set over them, whereby undoubtedly is understood, not only such who were of consanguinity with the people of the land, but even such as served and worshipped the God of Israel, and not any other, and that in the true and perfect way of worshipping and serving him, which he himself hath appointed, as they then did, to which this intended succession is quite contrary. And besides this, he is to be solemnly engaged and sworn to the prelates of England, to maintain, protect, and defend them in all their

thereof was, sufficient for their exoneration, and accordingly next year, the case of Mr. Macneil having been, along with

dignities, and revenues, to the preventing and excluding all Reformation out of these nations for ever.

And upon the like and other weighty reasons and considerations—as popish education, conversation, &c.—we protest against, and disown the pretended prince of *Wales*, from having any just right to rule or govern these nations, or to be admitted to the government thereof, and when—as is reported—we are maliciously aspersed, by those who profess themselves of the Presbyterian persuasion, especially the Laodicean preachers, that we should be accessory to the advancement of him whom they call the pretended prince of *Wales*, to the throne of Britain. Therefore, to let all concerned be fully assured of the contrary, We protest and testify against all such so principled to rule in thir lands, because we look upon all such to be standing in a stated opposition to GOD and our Covenanted Reformation. Not that we conteran, deny, or reject civil government and governors—as our former declared principles to the world make evident—but are willing to maintain, own, defend, and subject to all such governors as shall be admitted according to our Covenants and laws of the nation, and act in defence of our Covenanted work of Reformation, and in defence of the nation's ancient liberties and privileges, according to the laudable laws and practise of this kingdom.

And further, we cannot but detest, abominate, and abhor, and likewise protest against the vast, unlimited toleration of error in sectaries, which, as a necessary and native consequence of this Union, will inevitably follow thereupon, and which will certainly have a bad influence upon all the parts, pieces, and branches of the Reformation, both in doctrine, worship, discipline, and government, yea, even upon the most momentous and fundamental articles of the *Christian faith*, for hereby Anabaptists, Erastians, Socinians, Arminians, Quakers, Theists, Atheists, and libertines of all kinds, with many others—which abound and swarm in that land—will come crowding and thronging in among us, venting and vomiting up their damnable and hellish tenets and errors, to the destruction of souls, and great dishonour of God in many respects, and that without any check or controul by civil authority, as is evident from the present practice of *England*, as having gotten full and free liberty for all this, by means of this accursed Union. How then ought not every one to be afraid, when incorporating themselves with such a people, so exposed to the fearful and tremendous judgments of GOD, because of such gross impieties and immoralities, not that our land is free of such heinous wickedness as may draw down a judgment, but there these evils are to a degree, for what unparalleled universal national perjury is that land guilty of, both toward God and man, though there were no more, by the breach of the Solemn League and Covenant that they made with this nation, for the defence and Reformation of religion, but also what abominable lasciviousness, licentiousness, luxury, arrogance, impiety, pride and insolence, together with the vilest of whoredoms, avowed breach of the Sabbath, and most dreadful blasphemies,

that of a Mr. James Farquhar, referred to the commission by the General Assembly that met in the month of April, that

yea, the contempt of all that is sacred and holy, gets liberty to predominate without check or challenge, so that joining with such people, cannot but expose us as well as them to the just judgment of God, while continuing in these sins.

And here we cannot pass by the unfaithfulness of the present ministers—not that we judge all of them cast in the balance—who at the first beginning of this work seemed to be so zealously set against it, and both in their speeches, sermons, and discourses—which was duty—but yet in a very little after, finched from, and became generally so dumb, silent, indifferent, or ambiguous, to the admiration of many, so that people knew not what to construct.

But from what cause or motive they were so influenced, they know best themselves. Sure their duty both to God and man, was to show and declare how shameful, hurtful, and highly sinful this course was so circumstantiate. And if ministers' faithfulness, and zeal to the concerns of Christ had led them to such freedom and plainness, as was duty in such a matter, and had discovered how contrary this Union was to the fundamental laws and sworn [sworn] principles, by all probability they might have had such influence as to stop such an unhallowed, unhappy project. But it seems their policy hath outwitted their piety, their pleasing of man in conniving at, if not complying with their design that was carried on, hath weighed more with them than the pleasing of God, in the witnessing and testifying against it.

But to say no more, by the negligence of ministers on the one hand, and the politics of statesmen on the other hand, this wicked and haughty business has been carried on and accomplished, to the provoking of God, enslaving the nation, and bringing the same under manifest perjury and breach of Covenant. But how to evite the judgments pronounced against such we know not, but by returning to their first love, taking up their first ground, and standing to sworn Covenants solemnly unto God, and adhering to the cause of God and the faithful Testimonies of this church, and seeking back unto the old path, abandoning and shaking off, and forsaking all these God-provoking, and land-ruining courses, we say we know, and are persuaded there can be no mean to retrieve us in this land, but by unfeigned repentance, and returning unto him from whom we have so deeply revolted. And among the politics of this age, it could not but be reckoned the wisdom of the nation, if ever they get themselves recovered out of the snare, to animadvert upon such as have had any hand in the contriving and managing it, as being enemies both to God and their country, which course, if it had been taken in former times with such who were enemies to religion and liberty, it would have deterred such from being so active in this fatal stroke.

Upon these and many more weighty considerations, plain and demonstrable evils in this complex mass of sin and misery, all the true lovers of Zion, who desire to be found faithful to God, to their vows and sworn principles, and who seek to be found faithful in their generation and duty of the day, and all

he might be dealt with for schismatical courses, Mr. Mackmillan and Mr. Macneil gave in to that court, which met at Edinburgh the 29th day of September, 1708, a paper, which they entitled, Protestation, Declinature, and Appeal, &c. &c.*

such who desire, love, and respect, the honour, independency, liberty, and privilege of their native country, especially in such a juncture, when long threatened judgments are so imminent, and religion and liberty, as it were, in their last breathing, will easily find it to be their bound duty—as they would not conspire with adversaries to religion and liberty—to show no favour or respect, and give no encouragement or assistance that may tend to the upholding or supporting this Union, but that it is their duty and concernment—as well as ours—to testify and declare against the same, and to concur with their utmost endeavours to stop and hinder the same, and to deny their accession to, connivance at, or compliance with any thing that may tend to the continuing such an insupportable yoke upon themselves or their posterity.

And now, to draw this our Protestation to a conclusion, we shall heartily and in the bowels of our Lord Jesus Christ, invite all in the both nations, who tender the glory of God, the removing the causes of his wrath, indignation, and imminent judgments upon us, and who desire the continuance of his tabernacle, gospel ordinances, and gracious presence among us, and seek and contend for the faith once delivered to the saints, and labour to follow the footsteps of those who, through faith and patience, inherit the promise, the noble cloud of witnesses who have gone before us. We say, we heartily invite, and entreat such to consider their ways, and come and join in a harmonious, zealous, and faithful withstanding all and every thing that may be like a heightening or copestone of our defections, and particularly to join with us—according to our Reformation, Covenants, Confession of Faith, and testimonies of our church, as agreeable to the sacred and unerring rule of faith and manners, the Holy Scriptures—in this our Protestation and Testimony. And for these efforts, we desire, that this our Protestation may be a standing testimony to present and succeeding ages, against the sinfulness of this land-ruining, God-provoking, soul-destroying, and posterity-enslaving and ensnaring Union, and this *ad futuram rei memoriam*. And to evite the brand and odium of passing the bounds of our station, and that this our Protestation may be brought to the view of the world, we have thought fit to publish, and leave a copy of the same at Sanquhar, by a part of our number, having the unanimous consent of the whole so to do. Given at ——— the 2d day of October, 1707. Informatory Vindication, pp. 255—277.

* We, Mr. John Mackmillan, present minister of the Gospel at Balmaghie, and Mr. John Macneil, preacher of the Gospel, being most odiously and villainously represented to the world, as schismatics, separatists, and teachers of unsound and divisive doctrines, tending to the detriment of Church and State, and especially by ministers with whom we were embodied while there remained any hope of getting grievances redressed—therefore, that both min-

thus completing a direct and formal renunciation of the constituted authorities of the nation, civil and ecclesiastic. This paper was probably the sole composition of the subscribers, and is of inferior merit to that of the previous year, which, it may

isters and people may know the unaccountableness of such assertions, let it be considered, that this backsliding church—when we with others might have been big with expectation of advancement in Reformation—continued in their defections from time to time, still, as occasion was given, evidencing their readiness to comply with every new backsliding course, instance that of the Oath of Allegiance and Bond of Assurance to the present queen; which additional step to the former, gave occasion and rise to our unhappy contentions and divisions. And now at this time, for the glory of God, the vindication of Truth and of ourselves—as conscience and reason obligeth us—to make evident to the world the groundlessness of these aspersions and calumnies, as revilers and dividers, and particularly in the commission's late odious and malicious libel, wherein are contained many gross falsehoods, such as swearing persons not to pay cess, and travelling through the country with scandalous persons in arms, which, as they are odious calumnies in themselves, so they will never be proven by witnesses. And as to our judgment anent the case, we reckon it duty in the people of God to deny and withhold all support, succour, aid, or assistance, that may contribute to the upholding or strengthening the man of sin, or any of the adversaries of truth—as the word of God instructeth us—or for supporting any in such a way, as tending to the establishing the kingdom of Satan, and bringing down the kingdom of the Son of God, in a course tending this way, how deeply these nations are engaged—contrary to the word of God, and our indispensable oaths and covenants, whereby these lands were solemnly devoted to God—is too palpable and plain, especially in the infidel terms of the late God-provoking, religion-destroying, and land-ruining Union. We judge it most necessary to give to the world a brief and short account of our principles, in what we own or disown—referring for larger and more ample information, to several protestations and testimonies, given by some of the godly heretofore, at different times and places—And hereby, that truth may be vindicated, and our consciences exonerated, we declare to the world our hearty desire to embrace and adhere to the written word of God, contained in the Holy Scriptures of the Old and New Testaments, as the only and complete rule, and adequate umpire of faith and manners—and whatever is founded thereupon, and agreeable thereto, such as our Confession of Faith, Larger and Shorter Catechisms, Directory for Worship, Covenants, National and Solemn League, The Acknowledgement of Sins, and Engagement to Duties, Causes of God's wrath, and the ordinary and perpetual officers of Christ's appointment, as Pastors, Doctors, Elders, and Deacons, and the form of church government, commonly called Presbyterian.

“Next, we declare our firm adherence to all the faithful contentings, whether of old or of late, by ministers and professors, and against whatever

be presumed, was the production of the leaders of the societies, rather than of the ministers, and these leaders, though they wanted the polish of polite scholarship, were certainly, many of them, men of great natural shrewdness, improved by much

sinful courses, whether more refined or more gross, and, particularly the prelatie Resolutions, Cromwell's usurpations, the toleration of Sectarians and heresies in his time, and against the sacrilegious usurpations and tyranny of Charles II., the unfaithfulness of ministers and professors, in complying with him, and accepting his indulgence first and last, and in a word, to every thing agreeable to the matter of this our testimony, as it is declared in pages 25 and 26 of the Informatory Vindication, printed anno 1687.

"Likewise, we declare our adherence unto the testimony against the abominable toleration granted by the duke of York, given into the ministers at Edinburgh, by that faithful minister, and now glorified martyr, Mr. James Renwick, January, 1688, and to whatever things or contentings have been made, or testimonies given against the endeavours of any in their subtle and sedulous striving to insinuate or engage us in a sinful confederacy with a malignant interest and cause, contrary to the word of God, our Solemn League and Covenant, and testimony of this church.

"Next, we bear testimony against persons being vested with royal power and authority in thir Covenanted lands, without a declaration of their hearty compliance with, and approbation of the National Solemn League and Covenants, and engagement to prosecute the ends thereof, by consenting to, and ratifying all acts and laws made in defence of these Covenants, agreeable to the word of God and laudable acts and practice of this kirk and kingdom in our best times.

"Moreover, we bear testimony against all confederacies with Popish prelates and malignants, contrary to the word of God and our solemn engagements—the magistrates' adjourning and dissolving of assemblies, and not allowing them time to consider and exped their affairs—their appointing them dyets and causes of fasts, particularly that in January the fourteenth, and the thanksgiving, August the twentieth, anno 1708, which is a manifest encroachment upon, and destructive to, the privileges of this church—their protecting of curates in the peaceable exercise of their ministry, some in kirks, others in meeting-houses, yea, even in the principal city of the kingdom, if qualified according to law, by swearing the oath of allegiance—their not bringing unto condign punishment, enemies to the Covenant and cause of God, but advancing such to places of power and trust, all which we here bear testimony against.

"Next, we bear testimony against lukewarmness and unfaithfulness in ministers, anent the corruptions and defections the church was guilty of in the late times, not yet purged and removed by censures and otherwise, as was duty—and their not leaving faithful and joint testimonies against all the encroachments made upon the church by the civil powers, since the year 1690. And we bear testimony against the settling the constitution of this church,

reading and deep reflection; and, though it should be granted, that they sometimes pushed conclusions somewhat farther than their premises could fairly warrant, it cannot be doubted but that they were men of God, honoured with much of his

according as it was established in the year 1622, and the ministers not testifying against this deed, seems to impart a disowning all that reformation attained to betwixt 1638 and 1649 inclusive; at least, cowardice in not daring to avouch the same, or their being ashamed to own it, because many famous and faithful acts of assemblies, especially about the year 1648, would have made them liable to censure, even to the length of silencing and deposition for their defection and unfaithfulness during the late times of the land's apostacy, particularly the weakening the hands and discouraging the hearts of the Lord's suffering people, by their bitter expressions and aspersions cast upon them for their zeal and tenderness, which would not allow them to comply with a wicked, arbitrary, and bloody council, as many of them did—their not renewing the covenants, buried for upwards of fifty years by the greatest part of the land, contrary to the former practice of this church, especially after some grosser steps of defection—their receiving of perjured curates into ministerial communion without covenant ties and obligations, and without evident signs of their repentance, contrary to the practice of this church—their receiving some lax, tested men, and curates' elders into kirk offices, without some apparent signs, at least, of their repentance in a public appearance, contrary to the former practice of this church in such like cases, evident by the acts of assemblies—their not protesting formally, faithfully, and explicitly, against the magistrates' adjourning and dissolving of assemblies, and recording the same, contrary to the former practice of this church in our reforming times. We are not concerned to notice the protestation of some few persons at particular times, seeing their precipitancy and rashness in this matter (as they accounted it) was afterwards apologized for, and that it was not the deed of the assembly—their not asserting, in any explicit and formal act, the divine right of presbytery, and the intrinsic power of the church, though often desired by private christians, and some several members—their not confirming and ratifying the acts of assemblies that were made in our best times, for strengthening and advancing the work of reformation, contrary to the former practice of this church—their admitting, in many places, ignorant and scandalous persons to the Lord's table, contrary to the acts of former assemblies—their not protesting against the present sinful confederacy with papists, malignants, and other enemies of religion and godliness, contrary to the Word of God, and former practice of this church—their offensive partiality in their respective judicatories as to some particular members, whereby the more lax and scandalous are overlooked and passed by, and the more faithful and zealous are severely dealt with, and handled contrar the rule of equity and former practice of this church—their refusing and shifting to receive and redress the people's just and great grievances, and the little regard had to prevent the giving offence to the

presence, and zealous to promote among men the knowledge of his will. Cold, indeed, must that heart be, and, whatever it may pretend, dead to the nobler sentiments of our nature, which does not sympathize even with scruples apparently so

Lord's people, and small endeavours to have these things removed that are stumbling and offensive to them, contrar to the Apostle's rule and practice, who became all things to all men, that by all means he might save some—their not declaring faithfully and freely against the sins of the land, former and latter, without any respect of persons, contrar the express precept, 'Set the trumpet to thy mouth, and show my people their transgressions, and the house of Jacob their sins.'

"Lastly, we bear testimony against ministers' sinful and shameful silence when called to speak and act, by preaching and protesting against this unhallowed Union; which, as it is already the stain, so we fear it will prove the ruin of this poor nation, though some of them, we grant, signified their dislike thereof before, and about the time it was concluded, yet there was no plain and express protestation faithfully and freely given in to the parliament, showing the sinfulness and danger of this cursed Union, being contrar, not only the honour, interest, and fundamental laws and constitutions of the kingdom, and a palpable surrender of the sovereignty, rights, and privileges of the nation; but also a manifest breach of our solemn league and covenant, which was made and sworn with uplifted hands to the Most High God, for purging and reforming the three nations from error, heresy, superstition, and profaneness, and whatever is contrar to sound doctrine, the power of godliness, and the purity of worship, discipline, and government in the same; and so it involves this nation in a most fearful perjury before God, being contrary to the first article of the covenant, wherein we swear, to contribute with our utmost endeavours, in our several places and callings, to reform England in doctrine, worship, discipline, and government; but by this Union we are bound up for ever from all endeavours and attempts of that nature, and have put ourselves out of all capacity to give any help or assistance that way, as ye may see more fully in the late protestation against the Union, published at Sanquhar October 22d, 1707.

"Let none say that what we have now done flows from ambition to exalt ourselves above others, for as we have great cause, so we desire grace from the Lord to be sensible of what accession we have with others in the land to the provoking of his Spirit, in not walking as becomes the gospel, according to our solemn engagements—neither proceeds it from irritation or inclination (by choice or pleasure) to discover our mother's nakedness, or that we love to be of a contentious spirit, for our witness is in heaven, (whatever the world may say) that it would be the joy of our hearts, and as it were a restoration from the dead, to have these grievances redressed and removed, and our backslidings and breaches quickly and happily healed—but it is to exoner our consciences, by protesting against the defections of the land, especially of ministers. And seeing we can neither with safety to our persons, nor freedom in our

conscientiously formed, and execrate the individuals who, from the pride of power, or the paltry hope of a little court favour, instead of eradicating these scruples by soothing persuasives and kindly forbearance, converted them, by harsh and precipitant censures, into fixed principles, and inveterate pre-

consciences, compear before their judicatories, while these defections are not acknowledged and removed, so we must so long decline them, as unfaithful judges in such matters—in regard they have in so great a measure yielded up the privileges of the church into the hands and will of her enemies, and carried on a course of defection contrar to the scriptures, our covenant, and the acts and constitutions of this our church. And hereby we further protest and testify against whatever they may conclude or determine in their ecclesiastic courts, by acts, ratifications, sentences, censures, &c. &c. that have been or shall be made or given out by them, and protest, that the same may be made void and null, and not interpreted as binding to us or any who desire firmly to adhere to the covenanted work of reformation.

“But let none look upon what we have here said to be a vilipending or rejecting of the free, lawful, and rightly constitute courts of Christ, for we do acknowledge such to have been among the first most effectual means appointed of God for preserving the purity, and advancing the power of reformation in the church of Christ; the sweet fruits and blessed effects whereof this church hath sometimes enjoyed, and which we have been endeavouring and seeking after, and are this day longing for.

“We detest and abhor that principle of casting off the ministry, wherewith we are odiously and maliciously reproached, by those who labour to fasten upon us the hateful names of schismatics, separatists, despisers of the gospel—but herein as they do bewray their enmity to the cause we own, so, till they bring in their own principles and practices, and ours also, and try them by the law and the testimony, the measuring line of the sanctuary, the Word of God, and the practice of this church, when the Lord kepted house with, and rejoiced over her as a bridegroom over his bride, they can never prove us schismatics, or separatists from the kirk of Scotland, upon the account of our noncommunion with the backslidden multitude, ministers, and others.

“Finally, that we may not be judged by any as persons of an infallible spirit, and our actions above the cognizance of the judicatories of Christ’s appointment, we appeal to the first free, faithful, and rightly constituted assembly in this church, to whose decision and sentence in the things libelled against us we willingly refer ourselves, and crave liberty to extend and enlarge this our Protestation, Declinature, and Appeal, as need requires.”

The above was dated at the Manse of Balmaghie, September the twenty-fourth, 1708, subscribed by Messrs. John Mackmillan and John Macneil, enclosed under cover, directed to Nicol Spence, one of the clerks of assembly, and by him delivered in to the commission, September the twenty-ninth, 1708.

judices, which truth has not hitherto been able wholly to correct, nor charity altogether to overcome.

But there was, as we have said, another party, not so well defined, nor having its object so specifically one, as that we have just been tracing, but far more numerous in its members, more moderate in its views, having its *status* in the church, and destined, after a while, to produce a far more important revolution, to which it will also be necessary a little to attend. At the head of this party was Mr. John Hepburn, who had been ordained to the work of the ministry, privately, in London, some time previous to the year 1680, in which year, he received a call from the parish of Urr, in Galloway, where he continued preaching, as circumstances would permit, till 1686, when the same people gave him another call, but more generally subscribed; and again in 1689, when the revolution had set the country free from the oppression of the Stuarts, they gave him a third call, with all the legal formalities, which he accepted, before there was any formal presbytery of ministers at Dumfries.* Being thoroughly presbyterian in his principles, and, of course, like many excellent ministers of that day, not at all satisfied with the settlement which the church obtained under William and Mary, he, with his adherents, presented a paper to the General Assembly, 1690, entitled, “The Complaint and Humble Petition of many Presbyterian People, living in the several Shires of Scotland,”† which, though not treated with the same severity as that given in by Messrs. Linning, Shields, and Boyd, was passed over, with-

* Humble Pleadings for the good old way, &c. pp. 241, 242.

† This is a most interesting paper, and, while it exhibits distinctly the various public evils which lay heavy upon the minds of the petitioners, breathes much of a humble and pious spirit. We cannot refrain from quoting the concluding paragraph:—“To conclude, Right Reverend, we expect and entreat, that ye will not be offended at our freedom, in what we here represent; but our meaning and end to have differences satisfyingly removed, will move you to put a favourable construction upon that which a critical disposition might be ready to censure for rashness and ignorance, and meddling in matters wherein we are not concerned. But though we should be condemned and censured with the greatest severity, and be counted yet more vile, we must seek, we must cry for the removing of these stumbling blocks, and condemning these courses, which have done our Lord Jesus Christ so much

but any thing like a distinct reply.* A paper of grievances, was also, by him and another commissioner, given in, in the name of his people, to king William, at London, in the beginning of the year 1693, to which, after waiting for some considerable time, it does not appear that he received any answer. He was summoned before the synod of Dumfries in the month of October, the same year, to whom he delivered a paper of grievances, which the synod transmitted to the General Assembly, and, in the mean time, laid him under some restrictions with regard to the exercise of his ministry, which he determined not to observe; and, lest they should have proceeded rashly to censure him, he took an appeal "to the next free and lawfully convocat, and rightly constitute assembly." He was accordingly summoned to answer, at the instance of the synod of Dumfries, before the assembly, to meet at Edinburgh December the sixth, the same year; but the assembly being adjourned by royal proclamation to the month of March following, Mr. Hepburn took a formal protest, that he should not be obliged to answer without a new citation.

When the assembly met in March 1694, his case was referred to the commission, before which, being previously summoned, he appeared in the month of September following, where, besides the people who went with him as his adherents, the Rev. George

wrong, and his children so much hurt, in the standing in the way of their comfortable and edifying communion with the church. Let the famishing and starving case of our souls, through want of the blessed gospel, and our hungering to hear it preached by you, prevail with you to consider our complaints, and let the wounds of our bleeding mother, panting to be healed by the hand of the tender-hearted Physician, have weight with you, not to slight or despise our desires. But if ye shall shut your eyes and ears at them, then we know, at the time, no remedy left us but to complain and protest unto judicatories, and cry, sigh, and groan to the Father of Mercies, who is tender of all his little ones, and is the hearer of prayer, that he may see to it, and heal our backslidings and breaches in his own time and way, and not lay it to your charge that ye have had so little regard to the stumbling and saddening of so many of his poor, broken, bruised, and scattered sheep; and that ye have not had greater care to strengthen the diseased, and to heal that which was sick, and to bind up that which was broken, and to bring again that which was driven away, and to seek that which was lost." *Humble Pleadings*, p. 151.

* *Ibid*, p. 154. Plain reasons for presbyterians dissenting from the revolutionary church, p. 151.

Mair, minister at Airth, whose case had also been referred to the commission, joined him in a concerted paper, which they called their Demurr, in which they neither fully own, nor fairly deny the authority of the commission. The commission appointed a committee to confer with them, which, after several conferences, made an overture respecting Mr. Hepburn, to the following effect:—"That till the next quarterly meeting of the commission, he exercise his ministry at the kirk of Urr, where once he had some settlement, and that he preach not without the bounds of the said parish, without he have the call of some synod or presbytery, and that he be not questioned for not attending on the presbytery of Dumfries during that time."* To this he replied, "Though I cannot recede from the contents of the paper given in to this commission, nor yet can come under any positive engagement restricting me in the exercise of my ministry, wheresoever in providence I may be clearly called, yet I am willing to declare, my so far desiring the satisfaction of Reverend Brethren, (the scope of whose desire I judge to be, the preventing of schism, to which I look on myself as many ways bound,) as to endeavour the same, whereinsoever I may find it consistent with the faithful discharge of my duty to God, and with the peace of my own conscience." A member of court, the famous Mr. William Veitch, was deputed to converse with Mr. Hepburn in private; but after much reasoning, he adhered to the above as his final answer.

Under these circumstances, Mr. Hepburn seems to have been allowed to exercise his ministry till the next assembly, which met in December 1695, by which he was, on the fourth day of January, 1696, suspended from the exercise of the ministry. To this sentence, passed upon him in his absence, and upon grounds which he did not consider valid, Mr. Hepburn paid no regard, nor were the affections of his people in the least alienated from him thereby. On the contrary, the number of his adherents was increased, and so sensible were many of the ministers of the injustice of his suspension, that they refused to read the act of assembly from their pulpits, though specially required by the act itself so to do.

* Humble Pleadings for the good old way, pp. 186, 187.

Among the unprinted acts of this same assembly, session seventeenth, we find a recommendation to his majesty's solicitor, to prosecute such ministers who, after the censures of the church, continue in their irregularities, which, from the sequel, appears to have been passed with a view to the further harassing this already long and bitterly persecuted individual. In the mean time, his brethren of the presbytery of Dumfries seem not to have been wanting in their efforts to bring him into contempt with the people, for upon the twenty-fifth of June, this year, keeping a fast at Kirkgunzean, after the congregation had assembled, "and he going forth of his house to the public worship of God," three members of presbytery, Messrs. William Veitch, R. Paton, and James Guthrie, accompanied by a number of followers, suddenly interrupted him, and, after some conversation, hastened precipitantly to the place where the congregation was assembled, and, to prevent him from preaching, Mr. Veitch, who, himself having suffered a long course of severe persecution, might have learned a little more moderation, rushed into the tent, gave forth a psalm, and began to discourse to the people. Mr. Hepburn quietly withdrew to another place, and forbidding his friends in any way to molest his brethren, began the public worship of God, and was immediately followed by the whole multitude. The three brethren, left to themselves, soon followed, and Mr. Veitch, as the mouth of the three, in the name of the church of Scotland, discharged Mr. Hepburn to preach. Mr. Hepburn replied, he "did, and would preach, in the name of his Lord and Master, Jesus Christ, from whom he had received his commission; and the people greatly offended, rising up in some disorder, though they did violence to no one, the brethren of the presbytery departed in great anger."*

Mr. Hepburn, it is probable, finished the services of the day at his leisure, but, in the course of a month, was summoned before the privy council, to answer to a libel, at the instance of his majesty's advocate, and this through the instigation of some ministers, as he learned from several members of the council afterwards. In consequence of this, Mr. Hepburn

* Humble Pleadings, pp. 191, 192.

repaired immediately to Edinburgh, and, after conferring with several statesmen, prepared the following answers to the libel, the nature of which the reader must be content to gather from these answers, as the compiler of this has not been fortunate enough to fall in with a copy.

“Whereas he [Mr. John Hepburn] is accused of exercising his ministry, and intruding himself into churches, particularly of Urr and Kirkgunzean, within the stewartry of Kircudbright, and of Durrisdeer, in the sheriffdom of Nithsdale, and that without taking the oaths of allegiance, and subscribing the assurance. He answers, 1mo, That he humbly conceiveth his loyalty to k. William (whose right he nothing doubts, more than his possession,) is so generally known, and hath been so many ways manifested, as that he hopes it is not doubted by any to whom himself is known, unless they either be greatly prejudged, or sadly misinformed, he being at all times, and in all dutiful ways, most willing to declare and evidence the same. 2do, As to the exercise of his ministry at Urr and Kirkgunzean, he entered unto the exercise of his ministry in these parishes by the people’s call, before the act of parliament establishing presbytery; and as this fixeth a relation betwixt a minister and people, so as he with a good conscience may exercise his ministry among them, so likewise, by the foresaid act of parliament, a presbyterian minister’s entering by the call of the people is authorized as a sufficient legal right, for the exercise of the ministry, and enjoyment of the benefice and stipend; and accordingly, the defender’s call was sustained by the lords of the session, as a legal title to the parish of Urr; so that his preaching in Urr or Kirkgunzean cannot be called an intrusion, he having both divine and legal right so to do, the people of both parishes concurring in his call at first, and no other minister being established in any of the foresaid parishes as yet. 3tio, As to the defender’s preaching in Durrisdeer, it is answered, the said parish is also vacant, and it is but now and then, and for the most part occasionally in his going to and returning from Edinburgh, and that upon the most earnest call and invitation of the people, who are in a destitute condition for want of preaching, being but rarely supplied by the presbytery of the bounds;

and it is hard for a minister (called of God to preach the gospel) to refuse to hearken to the call of a necessitous people. 4. Whereas, the defender is charged for not swearing the *oath of allegiance*, and not subscribing the *assurance*; it is answered, he doth most ingenuously declare, it is not from any disrespect to his majesty and his authority, but because of some relative circumstances wherewith the same is clothed, and chiefly that the said oaths taking and subscribing is made such a necessary qualification of a *minister*, that he who hath not freedom to take them is declared (in the *act of parliament for settling the quiet of the church*) to be no minister of this church, which, as he conceives, tendeth to bring the kingdom of *Christ Jesus* under a most sad bondage, in granting to the civil magistrate a power to inflict ecclesiastical censures, and to enjoin qualifications of the ministry, which the *Lord Jesus* (the church's alone head and lawgiver) doth not require. For this, and many other weighty reasons, (which if their lordships require he is ready to adduce) the said defender cannot take the foresaid oaths.

“As to what is libelled, that the defender stands suspended by a sentence of the church—it is answered, he is really sorry that matters should be at such a pass betwixt the ministry of this church and him, and is not willing before this court to adduce his exceptions against the said sentence, nor his grounds why he cannot submit to it. Only their lordships would be informed that the sentence merely was in absence, and that it could not be reputed contumacy, in as far as he had attended the commission of the kirk once and again; as also, two other diets when the assembly should have met, and knew not but he might have met with the like disappointment at the time the assembly did sit; withal, had the assembly continued sitting as long as former assemblies had usually done, he came to *Edinburgh* in such time as he could have attended them; but they were up, which he did not expect.

“As to what is libelled anent his not keeping *fasts* and *thanksgiving days*, and his inveighing against them; and his presuming to keep *fasts* and *thanksgiving days* of his own devising—it is answered as to the first, there are no particulars

mentioned; neither doth he know that any to whom the noticing the *nonobservants* of these days is recommended, have brought any accusation against him on that head. And seeing he hath completely vindicated himself from all imputation of disloyalty, it is hoped their lordships will not sustain the libel in that part.

“As to his appointing days of his own devising—it is answered, he doth it no where but in *Urr* and *Kirkgunzlem*, where he ordinarily preacheth; which is what Christ’s faithful servants always have done, and at this day by some of the present ministry, upon very good grounds is practiaed, having the call of God’s Word, and the dispensations of the day for their warrant.

“As to the unlawful convocation of the king’s lieges, scandalous tumults, and riots libelled—he utterly denies the same, except people’s peaceable meeting to hear the Lord’s Word be so interpreted, which he is confident their lordships will not do. As for the particular instance of that disturbance Mr. Reid met with at the church of *Urr*, the defender is most wrongously charged therewith, being at that time some scores of miles distant from the place; as also, it will be found, on search, that the matter of fact is misrepresented, and that the persons mentioned in the *libel* are much injured by those who informed the government against them, they being all peaceable men, and well affected to his *majesty*.

“*Lastly*, As to the charge of casting off the fear of God and regard to the laws of the land—it is answered, it is truly to be regretted that God is not feared at this day by the generality of all ranks, and as for the *defender*, he acknowledgeth, he is indeed before the Lord chargeable that he feareth him so little, yet can declare that he desireth and endeavoureth through grace, in the whole of his conversation and ministry, to demean himself so as to show forth the Lord’s fear and due regard to authority; and is bold to say, there are few in his station who have endeavoured to pay more respect to the *king* and government, consistent with that obedience he owes to the *King of kings*, and that neither for temporal reward nor fear of punishment, but purely for conscience’ sake, than the defender.

In consideration of the premises, he humbly craves of their lordships that he may be discharged from this libel."*

Having requested to see the above answers of Mr. Hepburn before they were presented to the council, the lord advocate kept possession of them till Mr. Hepburn himself was sisted before it. Here the advocate questioned him if he would have his answers read, assuring him that there was treason in them!† To this Mr. Hepburn replied, they might do as they thought fit; and being again asked if he had taken the oaths, he answered no; because he did not regard them as bestowing any ministerial qualification. On this he was immediately ordered out, and the lords of his majesty's privy council agreed in sentencing him "to be confined to the town of Brechin, and two miles round the same, ordaining him instantly to find caution that he should repair straight to the place of his confinement betwixt and Tuesday the fourth of August next, and should keep within the same, and not go without the bounds thereof, under the penalty of three thousand merks Scots, in case he should transgress in any part of the premises. And in case he should not instantly find sufficient caution in

* Humble Pleadings, &c. pp. 192, 197.

† That the revolution church, as she had assumed into her communion many of those who had acted under the late prelacy, had also imbibed no small portion of the prelatic spirit; and that somewhat of the deadly venom of the Middletons, the Lauderdale, and the Perth, still breathed through the organs of the executive government, would be proved by the above to a demonstration, although there was nothing else of a documentary kind remaining. Nor is this at all to be wondered at, when we reflect that there were still among those who had the ear of the king, men who had been the open advisers of James in those stretches of prerogative which led to his abdication, and that the bloody and unprincipled Tarbat held at this very time the office of clerk register. From the advocate, however, Sir James Stuart, one of the authors of Naphtali, something superior to the refined barbarity and disingenuous shuffling of Sir George Mackenzie might have been reasonably expected; but, unfortunately for his reputation, he copied, in this instance, exactly after that unprincipled predecessor. Of the imposition with regard to these oaths, practised upon the unsuspecting part of the ministry at this time, the truculency of ecclesiastical managers, and the illegal violence of this same lord advocate, the reader will find some striking examples in *Memoirs of the Public Life of Mr. James Hogg*, written by himself, and published by the late Professor Bruce of Whitburn, a work but little known, but of inestimable value to all who take an interest in the history of that period.

manner foresaid, they ordained him to be carried prisoner to the tolbooth of Edinburgh until he should find security as said is."

In consequence of this sentence, Mr. Hepburn was imprisoned in the tolbooth of Edinburgh from the twenty-eighth of July [1696] to the twenty-second of August, during which time he preached every Lord's day from a window of the prison to the crowd who waited without, the magistrates, with the advice of some of the ministers, forbidding any to be admitted within to hear him. They even went the length of ordering the prisoners to be locked up who had showed a desire to listen to his discourses. A number of his hearers, the people of Galloway, were put to trouble, by being summoned in to Edinburgh, about the same time, though nothing criminal could be proved against them. On the twenty-second he was removed from Edinburgh, and it being Saturday, he was that night and next day detained at Linlithgow, where he again preached from the windows of his prison. On the twenty-fourth, he was lodged in the castle of Stirling, where his accommodations were better than they had been before, but his liberty of preaching was greatly restrained, few or none being admitted to hear him. After the lapse of some months he was liberated from prison, but it was three years before he was allowed to return to his people in Galloway, who did not fail to sympathize with him in his affliction, and to assist and encourage him by every means in their power.

This attachment on the part of his people defeated the intrigues of the presbytery of Dumfries, the members of which, though Mr. Hepburn had only been suspended, not deposed, laboured hard to have his parish declared vacant, and another minister put in his place. In this they did not succeed; but, by some means or other, he was deprived of his stipend for these three years.* His enemies, indeed, during all that time appear to have been doing their utmost to have a higher censure passed against him, though, by what means it does not now appear, they were baffled in the attempt once and again.

Among the unprinted acts of the General Assembly for the

* *Humble Pleadings, &c.* pp. 197, 202.

years 1697 and 1698, we find the processes against Mr. Mair and Mr. Hepburn referred to the commission, and among the unprinted acts for the year 1699, we find an act taking the suspension off Mr. John Hepburn, on his humble and earnest desire, and professed deference and respect to the judicatories of this church, and the peace thereof, which was granted by the General Assembly, with certification, &c., and it appears that he exercised his ministry without further molestation till the year 1703, when his refusal to take the oath of allegiance to queen Anne occasioned new complaints against him from the synods of Wigton and Dumfries. In consequence of these complaints, we find him next year, 1704, joined with Mr. John Mackmillan, and both their cases referred to the commission of assembly, by "an act against schism and disorder," dated at Edinburgh, March the thirtieth, 1704. The same assembly appointed a committee for "considering a process against Mr. John Mackmillan, who was deposed from the ministry, and for considering the schism in the south and west." The result of all this was a summons to Mr. Hepburn before the commission, at the instance of Mr. John Blair, agent for the church, by which he was, on the eighth day of June, that same year, deposed from the office of the holy ministry, and cited to appear before them on the eleventh of July, which citation was continued to the twentieth, and from that to the first Wednesday of September. Mr. Hepburn gave in a long paper in reply to all the charges contained in Mr. Blair's libel, and particularly in explanation of his conduct since the suspension was taken off him in the year 1699;* and the commission appointed a committee to compare his answers with the libel, and to interrogate him further upon what the answers had not touched. This committee gave in their report, finding that he owns the things charged, in point of fact, and offers to justify himself by this only reason, viz. "that he is satisfied in his own conscience, and that being so, he is not to regard any deference or respect he may be obliged to pay to the authority and direction of the church;" and that, when interrogate if he would desist from

* *Humble Pleadings*, pp. 205, 216.

these disorders, &c. he refused the same. Whereupon the committee reported, that they find him "self-convicted and self-willed, and refractory to the church, and to the deference and respect he ought to have to the same; and that, therefore, he ought to be proceeded against as a disorderly person, self-convicted and self-willed, and refusing to be reclaimed."*

Mr. Hepburn denied the justice of the above conclusions, and the commission appointed another committee, to which he gave in a paper, explanatory of his views upon the various propositions contained in these conclusions, and, after various conversations, this committee seems to have been inclined to deal tenderly rather than harshly both with Mr. Hepburn and the people adhering to him, though Messrs. Veitch and Paton gave in a representation against him on the part of the presbytery of Dumfries, and protested against the lenity that had already been shown to him. The commission, however, did put it to a vote, "whether the libel, as confessed, was relevant to infer a censure?" which was carried in the affirmative; but, Mr. Hepburn having made some concessions, the commission delayed the process till the first Wednesday of September. This was at the meeting in July.

Owing to family circumstances, Mr. Hepburn could not attend the commission in September, and they passed an act citing him anew to appear before them the first Wednesday of December, which he did, and gave in a paper requesting a committee of ministers and elders to come into Nithsdale, and confer with the people upon the matters in dispute. To this request the commission acceded, and a committee of ministers and elders met at Sanquhar in the beginning of February, 1705, and spent a whole week with the leaders of the party so amicably, that both parties were led to hope that the evils of which they complained would be removed, and an agreeable and comfortable communion restored.

Encouraged by these favourable appearances, the people drew up shortly what would be entirely satisfactory, and restore them cordially to the bosom of the national church, 1st,

* *Humble Pleadings*, p. 217.

“ That the assembly would be pleased to take into consideration the acknowledgment of sins made at the last renovation of the covenants at Lesmahago anno 1689, and digest the same into an act for a national fast, or would imitate the former actings of this church in her purest times, with respect to the then compliances, which would greatly ease us as to several grievances. 2d, That the assembly would ratify these acts anent the magistrates, their being obliged to take our covenants before their instalment in their respective offices and places; and would suitably testify their resentment of omissions in this point as to what is past. 3d, That the assembly would approve all the faithful witnessings and contendings of the Lord’s people in our late times, in adhering to the covenanted work of reformation, from Mr. James Guthrie to Mr. James Renwick inclusive. 4th, That the assembly would by an act assert the divine right of presbytery, with our Lord Jesus Christ’s alone headship in and over the church, and the church’s intrinsic power flowing therefrom, containing in it a testimony against what usurpation hath formerly been made either on the one or the other. 5th, That all possible means be used by this church, for purging her of corrupt officers and members, by inflicting censures impartially, according to scripture and former practice of the church, especially upon abjured curates allowed by authority. 6th, That the binding obligation of our covenants be asserted by an act of assembly, and some methods laid for their renovation, so as may be most for God’s glory, his church’s good, and the satisfaction of his people. 7th, That christian methods be fallen on by the assembly for removing offence given by ministers swearing the allegiance and assurance. 8th, That the assembly judicially and practically approve, and doctrinally confirm, with relation to our present circumstances, what is written by Messrs. Gillespie and Binning against sinful associations. 9th, That the assembly take care to have all good acts for discipline put in practice, especially in the south and west of Scotland. 10th, That the commission be regulate so as there may be a just proportion of members from presbyteries, and so limited in their instructions as they may not be capable to prejudice the church, and that the most pious and serious be put upon it, &c.

11th, That the assembly would rectify all the laudable acts of this church betwixt 1638 and 1649 inclusive.”*

This paper the committee, after reading, refused to receive, as beyond their instructions, and the conference broke up, but in a very friendly manner, each of the parties apparently having made a favourable impression on the other. The conduct of the committee was also approved of by the commission, from which they were honoured with a vote of thanks, and on Mr. Hepburn's compareance, from the favourable statements of the committee, his sentence was delayed, and the whole affair referred to the assembly, which was to meet at Edinburgh in the month of April following. Unfortunately, however, when the assembly met, it was not animated with the same friendly and healing spirit. The synods of Wigton and Dumfries had sent up representations of the most violent character, and their commissioner threatened, if Mr. Hepburn was not deposed, to resort to other measures “than had hitherto been taken, however unpleasant to themselves, and uneasy to the higher judicatures.”† Mr. Hepburn had previously been suspended, imprisoned, and banished—what other measures the commissioners would have resorted to may be guessed at, but they were not called upon to declare, for, though he offered to sign the Westminster Confession of Faith, as the confession of his faith; to confine himself, in the exercise of his ministerial functions, strictly to the parish of Urr; and though, for the benefit of the poor people adhering to him, among whom the seeds of peace and union, it was fondly hoped, had been sown by the committee that had met with them in the preceding February, he begged the appointment of another committee to perfect what had been so happily begun, and that they would in the mean time delay giving any sentence till the first quarterly meeting of the commission, they proceeded, on the ninth of April, 1705, to depose him from the office of the holy ministry, by an act, which certainly does not extenuate any of the charges laid against him, though some of them he expressly denied, and no probation, farther than

* Humble Pleadings, pp. 231, 233.

† Ibid, pp. 231, 233.

his own confessions, was ever led. At the same time that the sentence of deposition was passed upon him, the queen's advocate craved the use of the process, which was granted accordingly.*

Against this sentence Mr. Hepburn entered his protest, and immediately thereafter, the parishioners of Urr declared their firm and faithful adherence to him, in a paper bearing the highest testimony to his worth as a christian, and his faithfulness as a minister. The same people, in the beginning of May, prepared a long protestation on his behalf, and appointed commissioners to give it in to the synod of Dumfries, which was expected to meet there upon the eighth of that month. Protestations were also prepared by many individuals, read on his behalf in the audience of the congregations where they respectively resided, and afterwards affixed to the church doors.†

Mr. Hepburn, in the mean time, returned to his parish, and exercised his ministry as if no such sentence had been passed upon him, and, as the Union was now upon the tapis, acquired additional popularity by pointing out the manifold mischiefs, particularly of a religious kind, with which he supposed it to be fraught. Nor did he content himself with merely preaching against it. He also, with his adherents, addressed her majesty's commissioner and honourable estates of parliament on the subject, in language brief but specific, and such as, there cannot be a doubt, spoke at that time the real feelings of the nation.‡

This conduct could not fail to be highly offensive to the managers of church affairs, who, by their moderation, were peculiarly anxious to recommend themselves to the English ministry, yet Mr. Hepburn, and the people adhering to him, seem to have been so serious, so much disposed to a peaceable accommodation of their differences, and, at the same time, so firm in maintaining what they held to be the public cause of truth and the rights of conscience, as to have commanded the respect, if not the approbation, of a very great proportion

* Unprinted acts of the General Assembly, 1705.

† Humble Pleadings, &c. pp. 247, 248.

‡ Ibid. &c. pp. 250-255.

of the ministers, as well as the members of the church of Scotland. Accordingly, we find the commission of the assembly this year, though they cited him before them, putting off his case from time to time, and at last referring it back to the assembly, which again gave it in charge to their commission. Before that commission Mr. Hepburn appeared, in the month of June, 1707, where, having expressed his opinion, that it would be for the edification of the church that he were reponed to his parish, as also his earnest desire to be so, they, at an adjourned meeting, in the month of August, after some days' serious deliberation, reponed him to his parish, which had also petitioned them to that effect. The commission seem to have acted with great caution, and to have had a sincere desire to promote the cause of truth and peace; but when their transactions were brought under the review of next assembly, they were attested according to the 6th act of the assembly, 1706, with this remark, "That there are such irregularities in the commission's procedure, in taking the sentence of deposition off Mr. John Hepburn, that the assembly do not approve the commission's taking off that sentence; and enjoin, That in time coming, commissions strictly observe the acts of assembly, and not transgress the same upon any pretence whatsoever; and empower the commission of this assembly to inquire into what has been Mr. Hepburn's deportment since he was reponed, and to proceed as they shall see cause."* It does not appear that the commission felt themselves called upon to do any thing further in the matter, and Mr. Hepburn continued in the exercise of his ministry, exerting himself strenuously against what he considered the prevailing evils and defections of the time, which, far from being lessened, either in number or degree, were, from the unhappy complexion of succeeding administrations, greatly augmented, as we shall have occasion to remark in the sequel.

The above short retrospect brings us up to the first General Assembly after the Union, which, from the part presbyterians had acted with regard to the invasion, received this year,

* Unprinted acts of assembly, 1707.

1708, fully more than its usual share of civility. David, earl of Glasgow, a nobleman generally respected, as being favourable to the interests of the church, was appointed commissioner;* and the letter from the queen breathed nothing but kindness. "We cannot but acknowledge," says her majesty, "our satisfaction with the zeal and affection the ministers have shown at this juncture to our person and government, upon the appearance of an invasion by our enemies; and we doubt not of your being all in the same good disposition, and that ye will encourage the people in their loyalty to us, and in abhorrence of this design, which will subvert our religion and all that is dear to us. We again assure you of our firm resolution to maintain the government of the church of Scotland as it is by law established, and to protect you in the free enjoyment of all the rights and privileges that by law you are possessed of. And not doubting but you will act in such a manner in this assembly, as that we shall have new reasons to be satisfied with you, we bid you heartily farewell."† The assembly in return, after thanking the queen for the notice she had, with so much goodness, taken of the affection and loyalty of the ministers of the church, go on to say, "We find ourselves obliged, under the most sacred ties of duty and gratitude to your majesty, our only rightful sovereign, to encourage more and more the people under our care in their loyalty to your majesty, and firm adherence to the present happy establishment. The renewed assurance your majesty is pleased to give, of your firm resolution to maintain the presbyterian government of this church, as by law established, and to protect us in the enjoyment of all our rights and privileges, is to us most acceptable, and shall ever be

* "All the presbyterians, and you in particular, have been very happy of having this opportunity to testify your zeal and loyalty to her majesty's person and government, and your fixed resolutions to withstand and oppose the popish pretender. This has rendered all the presbyterians very acceptable to her majesty, and has also secured to them many friends here. My l. Glasgow is sent down to be the commissioner to the ensuing assembly, and the letter to it, and the instructions, will give satisfaction." Earl of Seafield to Mr. Carstares, March 17th, 1708. State Papers, and Letters addressed to William Carstares, &c. p. 764.

† Queen's letter to the assembly, 1708.

obliging upon us to manage ourselves so as to witless our sincere and deep resentment of this blessing of your royal favour.”* They add further, in an address to her majesty, “ We have had so many marks of your royal favour, and are so happy in having such a sovereign, that we should be enemies to ourselves, and regardless of all that ought to be dear to us, as men and as christians, as well as unaccountably undutiful to your majesty, if we were not earnest in our prayers to God, for your majesty’s preservation, and for the stability of your throne; and if we had not the utmost abhorrence of the late no less bold than mischievous attempt that was made by the French monarch to invade this kingdom with an armed force, on design to assist a popish pretender, in usurping the sovereignty of your majesty’s kingdoms, which you govern by a most unquestionable title, a title that we, in our stations, and by all means proper for us, are resolved to maintain with a firm and unbiassed zeal.”† To mark still more strongly their feelings upon this point, the assembly, “ Considering what a surprising deliverance the gracious God hath been pleased in his infinite goodness to bestow upon us, in this land in particular, from a threatened invasion of cruel enemies, whereby, according to the unchangeable course of popery and tyranny, by which this invasion was managed, we were inevitably to lay our account, not only with the scattering of our families, and spoiling of our goods, but also the violent invading of our persons and consciences, by methods of cruelty worse than fire or faggot, as the known massacres of Paris, in the year 1572, and of the protestants in Ireland, in the year 1641; and the continued cruelties used against the protestants in France, especially since the year 1685, can testify and witness to the world; and that God did thus graciously appear for us, when we were unworthy of the least kind regard from him, being a people laden with iniquity, &c. &c. appointed a day of thanksgiving to be observed in all the parishes within this national church.”‡

* General Assembly’s answer to the Queen’s letter, 1708.

† Printed acts of assembly, 1708.

‡ Act concerning a solemn national thanksgiving, 1708. Mr. William Carstares, moderator, Mr. John Stirling and Mr. Robert Baillie, ministers,

This assembly passed an act against popery, and an act for suppressing schism and disorders in the church, directed particularly against Mr. James Farquhar, minister at Tyrie, who had been assisting to Mr. John Mackmillan, and Mr. John Hepburn, and Mr. John M'Neilie or Macneil, of whom we have already spoken, as going along with Mr. John Mackmillan. In their instructions to the commission, this assembly paid a most laudable attention to the erection of schools in every parish, and, with regard to the Highlands and Islands, that every thing might be done, tending to the advancement of religion and reformation, and "that all due assistance and encouragement be given to any proposals that may be made for propagating the knowledge of God, and our Lord Jesus Christ, in these and other foreign parts of the world." An act and recommendation was also passed by this assembly, concerning the ministerial visitation of families, which, if we may judge from the practice of many ministers, is now considered obsolete, but which contains so many excellent and plain directions for that most important duty, that it were to be wished the assembly would revive it.* The

with David, earl of Glasgow, ruling elder, were likewise commissioned to wait upon the queen, and testify the assembly's firm loyalty to her majesty, and to congratulate her upon the merciful deliverance of her dominions from the late threatened invasion from France, and to thank her majesty for her gracious promise, to cause put in execution the laws against popery, profaneness, and other disorders. Unprinted acts of assembly, 1708.

* *Act and Recommendation concerning Ministerial Visitation of Families.*

At Edinburgh, April 27th, 1708, Session 13th, et ult.

The General Assembly finding that overtures concerning the ministerial visitation of families have been transmitted to the several presbyteries within this national church for their opinions thereanent; and that the plurality of the presbyteries who returned their opinions about the same, have consented to the passing of these overtures in manner aftermentioned: and the General Assembly judging that what is therein proposed may be of great use to the ministers of the gospel, though not as binding rules, yet as an help to them when they go about that necessary work of family visitation; therefore, this General Assembly did unanimously, and hereby do recommend the same as such, to the several ministers of this national church; the tenor whereof follows:—

Seeing, for the faithful discharge of minister's work, they ought, beside

due observation of the Sabbath, the licensing of probationers, and the orderly calling of ministers, came all under the consideration of this assembly, and were treated suitably to their great importance. The scripture songs, with the remarks

what is incumbent to them in the public congregation, to take special care and inspection of the particular persons and families under their oversight and charge; in order to which, it hath been the laudable custom of this church, at least once a year, if the largeness of the parish, bodily inability in the minister, or other such like causes, do not hinder, for ministers to visit all the families in their parish, and oftener, if the parish be small, and they be able to set about it.

For the more uniform and successful management of which work, although, in regard of the different circumstances of some parishes, families, and persons, much of this work, and the management thereof, must be left to the discretion and prudence of ministers, in their respective oversights; yet these following advices are offered and overtured as helps in the management thereof, that it may not be done in a slight and overly manner.

1st, First of all, it seems needful that ere a minister set out to this work, he should labour to have his own heart in a suitable frame for it, by exciting in himself the love of God, and the desire of the salvation of his people's souls, and the sense of the weight of the charge given him to watch for souls, as one who must give an account, and of the difficulty of this part of his work in particular; for, perhaps, it may be found no less difficult to apply to particular families and persons therein, teaching and warning every one, than it is to dispense the word in common in the public congregation.

2d, That such a time in the year be chosen for such ministerial visitation as the families whom he visits may be best at leisure to meet with him, when they may be expected at home, and least encumbered with affairs; and it were fit, that when a minister designs to visit any part of his parish, intimation thereof should be made, either in public from the pulpit, or some other way, that they may order their affairs so that he may have opportunity to meet with them at home.

3d, It's fit, when a minister designs to visit any part of the parish, that he be accompanied with the elder of the bounds; and that, before they go forth to the work, they may confer together concerning the state and condition of the persons and families of these bounds, that the minister may be able to speak the more suitably to their condition, and as may be most for edification.

4th, When they enter a house or family, after a short account of the design of the visit, and expression of their wishes and desires for the blessing of God upon the family, and that above all their souls may prosper; it were fit to take an account of the names of the family, parents, children, and servants, and to inquire for testificates from them who are lately come to the parish, and to mark them in their book or roll for catechising, and to take notice who can read, and of the age of children when capable to be catechised.

5th, After the minister has got an account of the persons dwelling in the family, he may speak to them all in general, of the necessity of regeneration,

of presbyteries upon them, were referred to the commission, which "was empowered to conclude and establish that version, and to publish and emit it for the public use of the church, as was formerly done on the like occasion, and when

and the advantages of serious religion and godliness, of piety towards God, and justice and charity towards man.

6th, And next, more particularly, to the servants, of their duty to fear and serve God, and to be dutiful, faithful, and obedient servants, and of the promises made to such, commending to them the reading of the scriptures as they can, and prayer in secret, and love and concord among themselves; and, in particular, a holy care of sanctifying the Lord's day.

7th, The minister may apply his discourse to the children, as they are capable, with affectionate seriousness, showing them the advantage of knowing, loving, seeking, and serving God, and remembering their Creator and Redeemer in the days of their youth, and honouring their parents; and to mind them how they were dedicate to God in baptism; and when of age and fit, and after due instruction of the nature of the covenant of grace, and the seals thereof, to excite them to engage themselves personally to the Lord, and to desire, and prepare for, and take the first opportunity they can, of partaking of the Lord's Supper; to be especially careful how they communicate at first, much depending thereon; (and such of the servants as are young are to be exhorted hereto in like manner) exciting them also to daily reading of the scriptures, and to secret prayer, and sanctifying the Lord's day.

8th, After the minister has spoken to servants and children, he should speak privately to the master and mistress of the family, about their personal duty toward God, and the care of their own soul's salvation, and their obligation to promote religion and the worship of God in their family, and to restrain and punish vice, and encourage piety, and to be careful that they and their house serve the Lord, and sanctify the Lord's day, and after this, it may be fit to exhort masters to take care that God be worshipped daily in the family by prayer and praise, and reading of the scriptures. *Secundo*, Concerning the behaviour and conversation of the servants, and their duty towards God and man, and how they attend the worship of God in the family, how they attend the public worship on the Lord's day, and how they behave after sermons; if any of them be piously inclined, if they make conscience of secret prayer and reading the scripture. *Tertio*, If there be catechising and instructing the ignorant and weak; if due care be taken in educating the children, and particularly, if they be put timeously to school, and how they profit thereat, and how the Lord's day is spent after sermons in the family, and in secret; in all which, the minister may mix in suitable directions, encouragements, and admonitions, as he shall see cause, and most for edification.

9th, It may be useful to inquire who have bibles, and to encourage them who are able to get a bible of their own, and to make diligent and religious use thereof, and to commend to parents and masters of families, to have the Confession of Faith, catechisms, and other good books for instruction, in faith and manners.

our version of the Psalms was published, in the year 1649. And seeing there are many copies of the said version lying on the author's hands, it is recommended to ministers and others to buy the same for private use in the mean time.* After appointing their next meeting to be holden at Edinburgh upon the second Thursday of April, 1709, the assembly, on the twenty-seventh of April, was dissolved with the usual formalities, having conducted themselves with so much prudence as to dissipate, in some degree, the fears of the wise, and to disappoint the expectations of the disloyal, who were still watching for a subject which they might improve for inflaming the public mind, and goading on the unthinking to deeds of violence and disorder.

10th, If any be tarnished with errors, or given to vice, they should be particularly dealt with, and spoken to, either privately or before others, as may be most for edification, and all are to be exhorted that are in the family to watch and edify one another, and to carry toward any that walk disorderly, according to the rule. *Matth. xviii. 15.*

11th, As the minister is to exhort all in the family to peace and love among themselves and their neighbours, so if there be any difference or division either in the family, or with the neighbours, the minister should endeavour to remove the same, and to make peace, and to excite to follow it with all men, as far as possible.

12th, It may also be inquired at those who received tokens to communicate the last season for it, whether they have made use of them or not, and those who have communicate, may be inquired privately, how they have profited thereby, and excited to remember and pay their vows to the Lord.

13th, If there be any in the parish who keep not church communion with us, whatever their motives be, ministers ought to deal with God for them, and with themselves in such a way as may be most proper to gain them, and exoner our own consciences before God and his people, waiting if God peradventure will prevail with them: Who can tell but our making them sensible of our tender love and affection to their persons, especially to their souls, giving all due respect, and doing them all the good we can, yet still discountenancing their sin; may, in the end, be blessed of God for their good? *Jude, 22, 23. 2 Timothy, ii. 24, 25.*

Seeing there is need for all this, of much prudence, zeal for God, and love to souls, and affectionate seriousness; all this should be carried on with dependence on God, and fervent prayer to him, both before a minister set forth for such work, and with the visited, as there shall be access to, and opportunity for it.

* Notwithstanding of this, these songs were not authorized for many years after this.

THE HISTORY OF SCOTLAND.

Book II.

1708—1714.

*Increase and activity of Jacobite alarmists among the English Tories—Dr. Sacheverel, his trial and sentence—Revolution in the British Cabinet—Proceedings of the General Assembly of the Scottish Church—Designs against her independency—Meeting of Parliament—Party struggle—Duke of Marlborough—Duke of Argyll in Spain—General Hill—Ineffectual attempts to improve Scottish commerce—General Assembly—Attempts in favour of Episcopacy—Mr. Greenshields—Medal of the Chevalier—Rejected by the Faculty of Advocates—Jacobites apply to the king of France—Lesly's Memorial—Chevalier's letter to the Queen—Secret negotiations with France—The duke of Hamilton refused a seat in the house of lords—Twelve new peers—Jealousy between the lords Mar and Hay—Act tolerating Episcopacy in Scotland, and imposing the oath of abjuration—Restoring lay patronages—Restoring holidays—Schism bill revised under a new name—General Assembly—Queen's letter to the Assembly—Assembly solicits a redress of grievances—Results of the oath of Abjuration—Successful exertions of the Papists and nonjuring Episcopalians—Covenants renewed at Auchen-
sleigh by the societies of Old Dissenters—Mysterious procedure of these societies—In vain attempt to erect a Presbytery—Exultation of the Jacobites—Perplexity of the Queen—Bolingbroke sent to Paris—Duke of Hamilton and lord Mohun—Character of the duke of Hamilton—The duke of Shrewsbury sent to France—De Aumont arrives in England—Peace concluded—Scottish Addresses—Alarm for the Protestant interest—Act of Assembly respecting the oath of Abjuration—Malt tax extended to Scotland—Attempt to dissolve the Union—Act for securing the purity of Scottish elections—Parliamentary Address respecting the residence of the Pretender—Activity of the Jacobites in the Scottish Elections—The new Parliament—Pamphleteers—Efforts of the Scottish Jacobites in the House of Commons—Dissensions among them—Queen offers a reward for apprehending the Pretender—Difficulties of the Scottish Church—Whig commanders dismissed from the army—Men enlisted for the Pretender—Seditious meetings in Scotland—Hanover Club—Disunion in the Cabinet—Bolingbroke and Oxford, their characters—Resignation of the latter—Death and character of the Queen.*

ABOUT this time the English Tories, in conjunction with the papists and nonjuring episcopalians, began to exert themselves with more than ordinary vigour, to increase their numbers, and to manifest themselves to be violent Jacobites. In pursuance of their seditious designs, clubs were formed in every quarter of the kingdom, by means of which, they maintained

a close correspondence with one another, were enabled to propagate insidious surmises simultaneously over the whole kingdom, and to give fatal effect to the most wild and improbable falsehoods.*

The danger of the church had long been a fruitful topic of declamation with the demagogues of this faction, and now they asserted that the crisis had arrived, when, without the aid of all her friends and the special interposition of heaven, her fall behoved to be immediate, and her ruin irretrievable. That the real originators of this alarm knew it to be false, and wished only that it had been true, there cannot be a doubt, for they were, some of them at least, avowed enemies to the whole system of revealed religion; and that the rabble, the great and little vulgar of the English nation, cared not whether it was true or false, may be assumed as equally certain; but it served for a pretext to the ebullitions of discontent and envy, those unhappy inmates which impatience of authority has a natural tendency to generate in vulgar bosoms. It was likewise a subject upon which ignorant fury could pass itself off as exalted and generous enthusiasm, and fanatic groanings could easily be mistaken for the breathings of piety. The party found also, most opportunely, a tool eminently qualified for their purposes in Dr. Henry Sacheverell, rector of St. Saviour's in Southwark, a man endowed with a very small portion of either learning or common sense, but possessed of fiery zeal, great pomposity, considerable plausibility of manner, and entirely devoted to what he supposed the interests of his order—episcopal dignity, founded on the divine and illimitable power of kings. Hating the dissenters, and affecting horror at the whigs, whose liberal maxims of government tended to moderate the rigour of high church tyranny, he seized every opportunity of vilifying both the one and the other. This liberty he particularly assumed in a sermon before the assize at Derby, in the month of August this year, and in another preached in St. Paul's, on the fifth of November, the anniversary of the gunpowder treason, in both of

* Ræ's History of the Rebellion, pp. 4, 5. Supplement to the History of the reign of queen Anne, p. 56.

which, he declaimed against the dissenters, and in favour of nonresistance, with great intemperance, declaring all who favoured the one or opposed the other *false brethren*, from whose hollow friendship the most fatal dangers were to be apprehended.

These hollow harangues, of which it would be difficult to determine whether imbecility or absurdity were the predominating qualities, met with the entire approbation of the tories, and were with all convenient speed issued from the press, the first, under the title of *The Communion of Sin*, with a seditious dedication to George Sacheverel, a relation of his own, and at the time high sheriff of Derbyshire, through whose influence he had obtained the honour of preaching it before the assize at Derby; the latter, under the title of *The Perils of False Brethren*, dedicated to Sir Samuel Garrard, at that time lord mayor of London. Like many other trifles favoured by circumstances, they obtained, especially the last, a prodigious circulation, upwards of forty thousand copies being called for in the space of a few days, and, inane and foolish as they were, as if they had contained the essence of theological and political wisdom, literally absorbed, for a time, the attention of the whole British nation.

Though dignified with the appellation of sermons, these compositions were neither more nor less than paltry libels upon the constitution and the existing government of the country—were probably intended as such by their author, and, as such, were understood and patronised by their myriad host of admirers, and could not, perhaps, with propriety have been entirely overlooked by the guardians of the public tranquillity—but the manner in which they were noticed was imprudent and impolitic, tending to magnify that which folly and frenzy had already invested with extraordinary dimensions, and which, left to itself, had speedily shrunk into its native insignificance. They were unfortunately complained of in the house of commons, where they were declared to be scandalous and seditious libels, and the author ordered to be brought to the bar of the house.

When brought before the house, the doctor boldly avowed

himself author of the publications complained of, without offering either apology or recantation. He was immediately ordered into custody, and it was resolved to impeach him at the bar of the house of lords, in the name of the commons of England. This unlucky determination at once converted, in the estimation of the vulgar who were opposed to him, an ignorant, railing, fanatic—who, if noticed at all, ought to have been sent to St. Luke's, or for a few weeks to the house of correction—into an offender of the highest rank and character, whose crimes it required the concentrated wisdom of the nation to appreciate, and all its authority, put forth in the most imposing form, to punish; but, in the estimation of his own party, which included papists and semipapists, Jacobites, and tories of every description, it exalted him into a saint of the first magnitude, whose martyrdom, effected by this parade of authority without law, was to be only precursory to the downfall of the church, and the subversion of all that had hitherto been accounted regular or legal authority. Sacheverel and the church became at once convertible terms, and prayers for the deliverance of the one, in public and in private, were unblushingly offered up, as including the prosperity and the perpetuity of the other.*

Many of the leading tories had sense enough secretly to despise this puerile species of blasphemy, for they knew the man, and his morals were not more exalted than his genius,† but they prompted it by every possible mean, expecting that in the issue the profit would be all their own, and for this purpose, the long interval that necessarily elapsed before his trial could be brought on afforded them peculiar facilities.

The doctor was impeached and taken into custody on the fourteenth of December, and the christmas holidays intervening, the articles of impeachment were postponed till the ninth of January following. The commons having voted that a committee of the whole house should attend the trial, a new delay became necessary till Westminster hall should be fitted

* Sommerville's History of Great Britain during the reign of queen Anne.

† That Sacheverel was held in great contempt by the tory ministers, notwithstanding the services he had done them, we learn from Swift's Journal. "He hates," says this caustic observer, "the new ministers mortally, and they hate him, and pretend to despise him too."

up for their reception, so that the trial did not commence till the end of February 1710, and by that time the faction had so well employed their time, and so completely perverted public feeling, that it was perfectly evident no salutary effect could follow the trial, whatever way it might be determined. That gluttonous festivity, at all times characteristic of those days, which, in England, by an abuse of language, are denominated holy, was on this occasion more than ordinarily conspicuous, and was artfully employed as fuel to the fires of faction and fanatic zeal, the glare and heat of which had already blinded the understandings and hardened the hearts of many who were otherwise neither unreasonable nor unfeeling. It was at the tables of the great,* under the pretence of honouring him whose whole life on earth was one continued example of meekness, and patience, and love, where the zealots of superstition, amid the shameful spewing of riotous excess, were imboldened still farther to disgrace the sacred office with which they had been invested, and to degrade their pulpits, by continuing to be the almost undisguised advocates of lawless riot, of robbery, and murder. The doctor's answer to the charges of impeachment, sophistical and false, but at the same time subtle and insinuating, evidently the work of much abler pens than his own, were also handed about in manuscript, read and received in such a manner in all circles, long before the commencement of the trial, as scarcely to leave the issue doubtful.

The preparations being at last completed, the trial commenced on the twenty-seventh of February, and occupied no less than three weeks. The managers on the part of the prosecution were Sir John Holland, comptroller of her majesty's household, Mr. Secretary Boyle, Mr. Smith, chancellor of the exchequer, Sir James Montague, attorney-general, Robert Eyre, solicitor-general, Robert Walpole, treasurer of the navy, Sir Joseph Jekyl, Mr. Lechmore, Mr. Dolben, Sir Thomas Parker, Sir Peter King, recorder of the city of London, Sir John Hollis, lord William Powlet, lord Coningsby, Mr. Cowper, Mr.

* "The leaders of opposition courted the company of the zealots, invited them to their tables, and by their attention and hospitality during the season of festivity, too much fomented that effrontery of licentiousness which disgraced the nation." Cunningham's History, &c. vol ii. p. 283.

Thomson, lieutenant-general Mordaunt, Mr. Compton, and Sir David Dalrymple. Dr. Sacheverel had for his counsel Sir Simon Harcourt, Mr. Dodd, Mr. Phipps, Mr. Dee, and Mr. Henchman; and he was assisted by Dr. Atterbury, Dr. Moss, and Dr. Smallridge, to whose superior abilities his speech was undoubtedly indebted for much of its effect.* His really effective defence, however, lay in the mighty mob of England, which attended him every day to and from Westminster hall, where the trial took place, striving, as if he had been a sovereign prince, who should have the honour of kissing his hands, and, as if he had been a martyr and confessor, praying for his deliverance. The queen herself attended every day, and her sedan was beset by the mob, with cries of "God bless your majesty and the church, we hope your majesty is for Dr. Sacheverel." They compelled all persons to uncover their heads as the doctor passed, and such members of the house as they supposed to be most inimical to him, they insulted with characteristic barbarity. In their intervals of leisure, when not employed around the person of their idol, they amused themselves by pulling down chapels, and plundering the dwelling houses of eminent dissenters. They even threatened those of the lord chancellor, the earl of Wharton, and the bishop of Sarum. In order to protect the bank, the directors were under the necessity of applying for a military force, and the second day of the trial the guards at Whitehall were doubled, and the train-bands of Westminster continued under arms till it was concluded.†

The commons addressed the queen, praying her to take effectual means to suppress these tumults, "set on foot by papists, nonjurors, and other enemies to her majesty's title and government." She, in return, issued a proclamation, expressing "a deep sense of their care and concern, as well as a just resentment at these violent proceedings." In an address of thanks to her majesty for her gracious answer to their first remonstrance, they took occasion to declare that their "prosecution of Dr. Henry Sacheverel proceeded solely from the

* Sommerville's History of Great Britain during the reign of queen Anne, p. 337. Supplement to the History of queen Anne, p. 69.

† Smollet's History of Great Britain. Sommerville's History, &c.

indispensable obligation they lay under to vindicate the late happy revolution, the glory of their royal deliverer, her own title and administration, the present establishment and protestant succession, together with toleration and the quiet of the government." These plain truths, however, were evidently much less palatable to her majesty than the undefined and dangerous dogmas of Dr. Sacheverel, who was all the time of his trial surrounded by her own chaplains, who encouraged and extolled him as the champion of the church, and when two of the leading rioters were convicted and condemned for high treason, she reprieved them both. The advocates of these degrading doctrines are, indeed, the worst enemies of royalty; but the doctrines themselves are so congenial to the darkened understanding and the corrupted heart of man, when clothed with a little brief authority, that there is always danger of their being acceptable to him in such circumstances, especially when we consider that to perceive their native tendency requires so much good sense and such a degree of reflection, as can scarcely be at all times exercised amid the blandishments of a court, and beneath the distracting cares of a crown.

The charges against the doctor were comprised in four articles, namely:—maintaining that the means used for bringing about the revolution were unjustifiable—that the toleration of dissenters was unwarrantable—that under the queen's administration the church of England was in great peril—that there were persons in office whose aim was the destruction of the constitution, while, through the whole system of affairs, there was a general male-administration and corruption. These charges were supported with great eloquence and much force of argument, in which the liberal principles of the constitution were luminously unfolded and applied to the defence of the revolution and the Hanoverian succession. Into this field, however, the doctor and his defenders did not choose to enter. They admitted, though at the expense of consistency and truth, most explicitly all the propositions advanced by his accusers relative to the constitution, together with the necessity and justice of the revolution, confining their replies, which were of the most thin and sophistical character, merely to disproving the application of the sermons to the articles charged in the

impeachment. Like every other heresiarch, who has been called to account for his errors, he maintained that the charges against him were deduced from a forced construction of words and sentences, selected from unconnected passages, and arbitrarily joined together. He was, indeed, as is confessed by one of the most forward of his friends, hard put to it to maintain hereditary right and the unlimited doctrine of nonresistance, without condemning the revolution;* but he asserted that he had laid down a sound doctrine, though he had omitted to specify those exceptions to it which might arise out of particular circumstances; and to vindicate the propriety of his doing so, he appealed to the authority of the scriptures, to acts of parliament, to the articles and homilies of the church, to the opinions of the most pious protestant divines, and even to the sermons and other writings of some of the existing dignitaries, now his judges, and distinguished both for orthodoxy and attachment to the constitution. With regard to toleration, he maintained that the word was not to be found in the statute book, and, approving entirely, as he did, of the exemption granted to the dissenters, when he spoke in disparagement of toleration, he meant something beyond this, and therefore had not calumniated the law. That the church was in danger, he attempted to prove, from the abounding of immorality and blasphemy, and from the many recent publications of a heretical tendency. He denied that by chief men and false brethren he intended to libel her majesty's ministers, and insisted that all his expressions that had been so construed, ought, agreeably to the authority of scripture, to be applied, as he intended them, to persons of rank and influence, too many of whom in every age had been enemies to religion and the church; and, in contradiction to his notorious principles and conduct, he concluded with a solemn appeal to the Searcher of hearts, that he never had the smallest intention to calumniate the memory of king William, to censure the revolution, to foment party distinctions, or to defame her majesty's administration.

The accusation and defence being thus finished, the lords entered into warm debates, and, after many ridiculous as-

* Lockhart Papers, vol. i. p. 312.

sermons and foolish speeches on both sides, the doctor was, on the twenty-second of March, found guilty by a majority of seventeen voices, his sermons ordered to be burnt by the hands of the hangman, and himself suspended from preaching for three years. A sentence so very trivial, after accusations so heavy, and such a parade of preparation, could not fail to have all the weight of an acquittal upon the public mind. By the Tories it was considered as a real triumph, and as such, celebrated by bonfires and illuminations in every quarter. Higher censure was no doubt intended, but the sovereign mob of England had taken up the doctor's case as peculiarly its own, as had also her majesty the queen, who, by her interposition, influenced several of the lords to be especially tender on the point of punishment, and the leaders of the prosecution were probably glad to save appearances by a small censure, when there seemed to be a very general disposition to bestow a vote of thanks. The Scottish Jacobites took a most peculiar interest in this trial, and improved it diligently for promoting their views. The duke of Hamilton, the earls of Marr, Wemyss, and Northesk, voted for the doctor's acquittal, and the duke of Argyle, though he voted him guilty, made ample atonement by the zeal with which he exerted himself in favour of a lenient punishment.

The faction of the disaffected having thus gained a complete and unexpected triumph, resolved to improve it to the utmost. Her majesty they humbly addressed from all quarters, censuring all resistance as a rebellious doctrine, founded upon anti-monarchical and republican principles; and as Sacheverell had abundance of leisure, being only forbidden to preach, though he held all his places and emoluments, he was paraded through the country as a kind of divinity, the mob every-where huzzaing at his heels, drinking in his divine doctrines, and, as a proof how much they were benefited, outraging the feelings of the whigs, reproaching their names, misrepresenting their motives, insulting their persons, rifling their houses, and pulling down the meeting-houses of the presbyterians, whom the doctor taught them to consider as "plagues, growing evils, and incarnate devils!"

To favour and to prolong this scheme of exhibiting, and to

pour contempt upon the sentence of the lords, Sacheveral was presented to a rich benefice in Wales; to take possession of which, he went in procession with all the pomp and magnificence of a sovereign prince. He was sumptuously feasted by the university of Oxford, and by noblemen, who, while they worshipped him as the idol of their party, could not but despise in their hearts the object of their adulation. In towns he was received by the magistrates in all their formalities, and often attended by a body of a thousand horse. At Bridgenorth he was met by Mr. Creswell at the head of four thousand horse, and an equal number of foot, wearing white knots edged with gold, and leaves of laurel in their hats, the hedges being for two miles dressed in flowers and lined with people. The steeples, wherever he came, were ornamented with streamers, flags, and colours, and nothing was to be heard but the cry of the church and Dr. Sacheveral.*

Confirmed in what were most probably her original views, by the flattering addresses of the tories, and having her resolution, which was naturally feeble, strengthened by these demonstrations on the part of the mob, the queen chose a new cabinet, dissolved the parliament, and issued writs for a new election.

The new cabinet consisted of Sir Simon Harcourt, the defender of Dr. Sacheveral, now created lord chancellor of England, lord Dartmouth and Mr. Henry St. John, secretaries of state, Robert Harley, chancellor of the exchequer, &c. &c. The great lord Somers was dismissed from the presidency of the council, which was bestowed upon the earl of Rochester. The lord-lieutenancy of Ireland was given to the duke of Ormond, the command of the forces in Portugal to lord Portmore, and the lieutenanship of the county palatine of Lancaster was bestowed upon the duke of Hamilton. In short, with the exception of the duke of Marlborough, whom it was not thought, as yet, prudent to dismiss, there was not a whig left in the enjoyment of any place of consequence.

The wisdom of these measures, and the happy selection of the new cabinet, were every-where extolled by the tories, and addresses the most fulsome were got up in all quarters, to give

* Smollet's History of England.

the new administration countenance, and courage to proceed in that career of dishonour which they had already marked out for themselves, and especially to enable them to carry all the elections, and give them a tory parliament, which alone was wanting to render their triumph complete. "Unheard of methods," says Burnet, "were used to secure them [the elections].—In London, and in all parts of England, but more especially in great cities, there was a vast concourse of rude multitudes brought together, who behaved themselves in as boisterous a manner, that it was not safe, and in many places not possible, for those who had a right to vote to come and give their votes for a whig. Open violence was used in several parts. This was so general through the whole kingdom, all at the same time, that it was visible the thing had for some time been concerted, and the proper methods and tools had been prepared for it. The clergy had a great share in this; for, besides a course for some months of inflammatory sermons, they went about from house to house, pressing their people to show, on this occasion, their zeal for the church, and now or never to serve it."* Nor were the managers of the faction a whit less diligent in Scotland, and in as much as there never was any thing there like the voice of the people heard in elections, their business was so much the more easily accomplished. Had there been there any thing like a popular voice, their success had indeed been small; for, to the fears of the pretender and popery, there was now added the immediate danger of presbytery, which, it was well known, was particularly obnoxious to the party that had now obtained the ear of her majesty, and the direction of her government. "The tories," it is remarked by one who has been at no little pains to exhibit himself as one of the most important of their number, "spoke little above board, but underhand among themselves represented, that now or never was the time to do something for the king [James], and by restoring him dissolve the Union." Accordingly, all of them who had any influence hastened to take the oaths to the queen, that they might, by voting or being voted for, serve more effectually the interests of the pretender. The dukes of

* History of his own Times.

Hamilton and Argyle, with the earl of Marr, also hastened home to Scotland, where they threw the whole weight of their influence into the scale of the tories, who, in consequence of these exertions, carried the whole sixteen peers, and nearly two-thirds of the commons. That they did not carry the whole, is ascribed, by Lockhart, solely to the circumstance of the ministry not having changed, as by the Jacobites they had been frequently desired, the whole of the Scottish revenue officers.*

Matters had, indeed, been going on in Scotland with very little noise, during the time that faction had been shaking the whole administration of the three kingdoms. The General Assembly of the church sat down, according to appointment, on the fourteenth of April, 1709. After sermon, by the Reverend Principal Carstairs, moderator of the last assembly, Mr. John Currie, minister at Haddington, was chosen moderator, David, earl of Glasgow, was again honoured to be the queen's commissioner. This assembly met under the same favourable aspects, and was hailed with compliments similar to those of the preceding year, which were answered in a similar manner.

The first object of this assembly's attention was the outward order and decency of public worship, for promoting which they passed an act, in which "it is seriously recommended to persons of all ranks, that considering in whose presence they are, and with what deep humility the glorious God is to be adored by sinful men, they would forbear bowing, and other expressions of civil respect, and entertaining one another with discourses while divine worship is performing, and holy ordinances are dispensing." The propagation of the gospel in the Highlands and Islands was also, as it had been for many years by-past, particularly attended to, by ordering every possible facility to be afforded to students who had the Irish, or Gaelic language, and by recommending to the care and diligence of ministers and people the design of a society for propagating christian knowledge in these parts, for which her majesty had already promised her letters patent erecting it into a corporate

* Lockhart Papers, vol. i. pp. 319, 320. Rae's History of the Rebellion, p. 8.

body. This assembly also passed a very laudable act for establishing a public library for every presbytery at the ordinary place of meeting, enjoining ministers to endeavour to procure collections in their several parishes for advancing the same. It was also recommended "to presbyteries to use all effectual means," for suppressing Bourignonism* and other errors, especially the former, which, notwithstanding it had been condemned by a former assembly, 1701, as "impious, blasphemous, and damnable," and Dr. Garden, one of the ministers of Aberdeen, deposed on account thereof, still continued to spread and to find numerous abettors. This assembly further, "sensible of the many evident signs of God's displeasure against this land, manifested by the unseasonableness of the weather, especially in seed-time, with the sad effects thereof in the present dearth and threatened scarcity, and the great loss of flocks and cattle in divers parts of the land, and by many spiritual plagues on all ranks, justly inflicted upon us by an holy and righteous God, for our great and manifold sins, committed against the

* This heresy had its name from Antonietta Bourignon, who was born at Lisle in the year 1616, and at her birth was so deformed, that it was debated in the family, whether it was not proper to stifle her as a monster; yet she attained such a degree of beauty as to obtain admirers. She set up for a reformer, and published a great number of books, filled with very singular notions. But the most remarkable of her writings are, *The Light of the World*, and *The Testimony of Truth*. She was a great enemy to reason and common sense, which she maintained ought to give place to the illuminations of divine faith; and she asserted, that whenever any one embraced her doctrine, she felt the pains and throes of a woman in labour.

She pretended to have multiplied visions and revelations, and to have seen Adam in the same form in which he appeared before the fall, and the manner of his procreating, when he possessed in himself the principles of both sexes. This procreating faculty, she affirmed, he had carried so far as to produce the human nature of Jesus Christ. "The first man," says she, "whom Adam brought forth without any concurrent assistance, in his glorified state, was chosen by God to be the throne of the divinity, the organ and instrument by which God would communicate himself externally to men. This is Christ the first-born, united to human nature, both God and man!" Her temper is said to have been morose and peevish, and her avarice was extreme. She dressed like a hermit, and travelled France, Holland, England, and Scotland, in the last of which many thousands embraced her opinions. She died at Faneker, in the province of Fries, October 30th, 1680. Her works form 18 vols. 8vo.—*Encyclopedia Britannica*, vol. iii. p. 486.

clearest gospel light and most solemn engagements and deepest obligations to the contrary, judge it necessary that a day be set apart for solemn prayer, fasting, and humiliation before the Lord, in all the churches within the bounds of the respective synods and presbyteries for the causes aforesaid." This assembly also presented a memorial to the queen, requesting the civil sanction to fast and thanksgiving days, &c. &c. and, after appointing the next meeting of assembly to be at Edinburgh, upon the twenty-sixth day of April, 1710, broke up, on the twenty-seventh of April.*

On the twenty-sixth of April, 1710, the assembly was again convened, while Dr. Sacheverel and the issue of his extraordinary trial were still the only subjects of public speculation. After sermon by the Rev. John Currie, late moderator, Mr. William Mitchell, one of the ministers of Edinburgh, was chosen moderator—David, earl of Glasgow, was again commissioner. Whatever feelings her majesty might now entertain towards the church of Scotland—we can scarcely suppose them to have been of a very complacent character—her advisers seem to have considered it prudent not to depart, as yet, from that smooth and conciliating language, which, on former occasions, she had so successfully employed. "The experience we have," says her majesty in her letter to this assembly, "of the calmness, decency, and orderly procedure of former assemblies, very acceptable to us, and suitable to the prudence and wisdom of so great and reverend a meeting, suffer us not to doubt that you will at this time go on in the same way." This seems to have been highly pleasing to the assembly, and, in their answer, after a pretty full enumeration of her majesty's favours, and their own grateful returns, they add, "And we crave leave upon this occasion to assure your majesty, that we abhor all the principles that stain the glory of the reformed christian religion, and all opinions that have a tendency to shake the excellent and solid foundation upon which your majesty's just title to the supreme government of your dominions, and the security of your throne in a protestant succession, against all popish pretenders, are happily estab-

* Printed Acts of Assembly, 1709.

lished.”* This was probably intended to produce the most soothing effect; but that it was gratifying to her majesty may well be doubted. The right to which the assembly alluded was only founded in an act of parliament, and her own church had begun to flatter her with a very different sort of title, that of indefeasible hereditary right,† which all kings, usurpers not excepted, have for the most part been anxious to repose upon, though maxims of policy may sometimes forbid them to avow it.

After passing an overture respecting the trial and licensing of probationers, and another for the purging of scandals in the army, the assembly proceeded to appoint a day of fasting, “on account of the many evidences of God’s displeasure, and fearful symptoms of approaching judgments, the great and crying sins of the land, atheism, irreligion, popery, many errors, and dreadful delusions, with immoralities of all kinds.” And in an act, passed “for the due observation of the fast now appointed, and of fasts and thanksgivings which may be hereafter appointed,” the assembly “recommend it to all the ministers of this church, that with due prudence and zeal, they do, in their preaching, reprove and warn of, and in prayer, confess and acknowledge the epidemical crying sins, both of former and present times, highly aggravated by the violation of our solemn covenants and engagements, and many professed resolutions to the contrary;” from which it is evident, however much the conduct of the Scottish church had been supposed, by Messrs. Mackmillan, Hepburn, and others, to be at variance with these solemn covenants and engagements, she still admitted their indissoluble obligation. Error, however, seems to have been making rapid progress, though, as usual, disguised under the garb of original illustration and novelty of expression, as we find the assembly passing an act for preserving the purity of doctrine, which enjoins “the avoiding all expressions in matters

* Printed Acts of Assembly, 1710.

† “The fulsome flattery of prerogative, the avowed preference of her majesty’s hereditary to her parliamentary right, and the suspected characters of many who took the most active part in support of these tenets, afforded plausible grounds for rousing a suspicion of designs being on foot to subvert the revolution settlement and the protestant succession.” *Sommerville’s History, &c.* pp. 410, 411.

of faith contrary to the form of sound words," and "discharges all persons to vent any opinions contrary to any head or article of the confession and catechisms, or use any expressions in regard to the articles of faith not agreeable to the form of sound words expressed in the Word of God, and the Confession of Faith, and catechisms of this church, which are most valuable pieces of her reformation." "And the General Assembly does hereby farther enact, that no minister or member of this church, presume to print, or disperse in write, any catechism, without the allowance of the presbytery of the bounds and of the commission." The ridiculous blasphemies of Antonietta Bourignon, appear also to have been still gaining ground, as another act was passed for their suppression, with a recommendation to the professors of divinity, "to make a collection of them, and to write a full confutation of the same."

The society for propagating christian knowledge, having been established by letter patent from the queen, in the month of August the preceding year, gave in a representation to this assembly, which thereupon passed an act, recommending to all presbyteries and synods, as well as all other charitable persons, to come forward with their collections in aid of its funds. They also appropriated one half the bursaries of all the presbyteries in Scotland for four years to the aid of hopeful and pious students having the Irish language, that so the society might be abundantly supplied with instruments for carrying into effect their benevolent and pious intentions. The commission of this assembly was empowered to send commissioners to London, "to obtain redress with relation to popery, irregularities, and other things that are grievous to this church;" and the two acts respecting the national fast were "transmitted to the secretaries of state, to be laid before the queen, in order to obtain the royal sanction thereto."* The assembly, after appointing the next assembly to meet at Edinburgh on the tenth day of May, 1711, was dissolved with the usual forms.

Hitherto the affairs of the church had gone on pretty smoothly, no attempts having been made since the union to

* Printed Acts of Assembly, and Index to unprinted Acts of Assembly, 1710.

injure her in regard to any of her essential privileges. The clouds, however, were now thickening in her horizon, and, without some unforeseen interposition, a storm was evidently approaching. She had, indeed, been under the necessity of proceeding with extreme caution, seldom venturing to make any very direct or pointed assertion of her privileges, lest haply she might awaken that spirit of opposition, which, though by circumstances kept under for the present, she well knew was not yet extinguished; and without this species of temporizing, which her friends at court, real and pretended, as well as her own leaders, glossed over with the names of liberality, moderation, and prudence, it does not appear that the politicians of that day, any more than those of this, thought it possible she could have been quietly tolerated so long. Even the very small approximation which this last assembly made towards claiming the indisputable rights of a national church, appears to have been highly offensive, for we find Sunderland, immediately after the rising of the assembly, writing to Mr. Carstares, thus expresses himself: "I hope the assembly will be very sensible of her majesty's goodness in condescending to interpose the civil sanction to their act [for the due observance of fast days], for which it must be owned there was no occasion, the government not having been wanting hitherto in any thing necessary for promoting either the civil or religious concerns of the people; so that if we could see into the views of some, who perhaps have been most active and zealous for this step, we should probably find them different from what they appear to be, and to fall but too much in with the like humour here which has already raised so great a ferment, and which, if not diverted, must necessarily end in the disturbance of the quiet, both of church and state. And I dare not promise you, if the assembly should offer again at the like step, that they will meet with the same easiness and compliance in the government. And, therefore, I hope, it will be the care and study of the cautious and prudent of the ministers to keep them, as much as possible from unnecessarily asserting of their authority and privileges; which is what their enemies desire above all things they should, and which cannot fail to bring that upon them they seem so much to apprehend from the Union." No

language can be plainer than this, nor is it possible to paint in stronger colours the dependant condition of the church of Scotland. Three short years had yet scarcely elapsed since her constitution had been fixed, and her liberties guaranteed in a solemn treaty, which was declared to be inviolable; and yet, but a second time to claim that which was confessedly her due and just right, "cannot fail to bring upon her all the evils she apprehends," that is to say, the subversion of her unalterable constitution.*

Sunderland, when he wrote the above, was on the eve of losing his place, and knowing what was all along designed with regard to the Scottish church, and that those who were to succeed him would be less disposed to stand between her and the evil intentions of her enemies, had he been a better man, might be supposed to have intended it as a friendly warning to stand prepared for what was most certainly approaching; but the probability is, that Sunderland still hoped to preserve his place, and that he was only sounding Carstares, preparatory to his adopting those measures, which he could not fail to perceive would be necessary if he intended to keep in her majesty's good graces. This view of the matter is greatly strengthened, if not confirmed, by letters to the same Mr. Carstares from other individuals, who were either already basking in the full sunshine of court favour, or in expectation of doing so immediately. The first is from lord Ilay, an apology for himself and his brother, the duke of Argyle, both of whom had recently gone over to the tories. "I have heard," he says, "lately from Scotland that there are some very busy in insinuating that my brother and I are taking measures against the interest of our church and revolution establishment. I was always of opinion that it was very obviously our interest not to mingle ourselves with the factions here, I mean as Scotchmen; for, it being very plain that no party here has our country much at heart, the exasperating any side here might, at some conjuncture or other, draw both upon us, and crush us at once. The queen has been pleased to remove the earl of Sunderland, as

* Letter to Mr. Carstares, dated May 22d, 1710.

'tis said, for behaving himself disrespectfully towards her, and some are so bold as to censure even her majesty's making that step; I, for my part, think it my duty to approve of it, as I shall of any other alteration she may happen to make; and think our interest, both of church and state, as secure under those she may employ as it has been hitherto."* This was certainly a pretty strong expression of confidence, though it could have no effect in soothing the suspicions of any but such as had attained to the same implicit belief in the immaculacy of her majesty's intentions, of which there were, we suspect, at that time, very few among Scottish presbyterians. The next is from the earl of Marr, who was just now come into great favour at court, and had obtained a commission for his brother, lord Grange, to be justice clerk. "Some people are at pains to give out here, that the change the queen has thought fit to make will give your brethren some discontent; but I hope they will be wiser than to show any dislike to what the queen, to whom they have been so much obliged, thinks fit to do for her service either here or there. They owe the queen more, personally, than any minister ever she had, and it would be an odd requittal for all her favours, to suspect her inclinations to them now. 'Tis in nobody's power to hurt them but their own. There is nothing but the continuance of that favour the queen has always shown them designed to them; and if they be not made tools of by some people, for their own bye-ends, they will be as safe as ever. As I have told you often, I wish them well, and the continuance of their church-government; and this makes me the more concerned for them upon this juncture. I know, as they may, your prudence, from a long tract of experience; and I wish they may take your advice, in behaving themselves with that duty and submission to so good a queen, who, I may say, has established them even beyond what their best friends could have expected. They need not be afraid that her majesty will ever go into high or violent measures."†

* Letter to Mr. Carstares, July 5th, 1710.

† Letter to Mr. Carstares, July 22d, 1710.

Wherein, it may be inquired, lay the necessity for so much laboured declamation upon her majesty's goodness, and the purity and simplicity of her intentions? Had she conferred any thing more upon the church of Scotland than what was stipulated for in the claim of right, which in Scotland formed the very basis of her majesty's government? And had not all that the church of Scotland enjoyed been guaranteed by the treaty of Union in the plainest and most unequivocal terms? The necessity appears to have lain simply in this; high measures were really contemplated, and Mr. Carstares, under the guise of friendship, was made an instrument wherewith to sound the temper of the clergy, to familiarise them with ideas of inferiority and dependance, and to cajole the more ardent and enterprising, who, less courtly in their manners, and less careful of consequences, might have been apt to characterize such attempts, so as to produce unpleasant results among the people, whose feelings were still feverish, and their attachment to the new order of things not at all to be depended upon. The fanatic Sacheverel, sounding an alarm of the church's danger, had awakened a tempest among the plebeians of England, concerning whom, it might have been justly inquired, what were they to the church, or what was the church to them? that had shaken an administration to pieces, though perhaps as able, and unquestionably as successful, as had ever been at the helm of a state,* and what might not, by the same means, be effected in Scotland, where the church, of which the meanest individual felt himself an integral portion, was intertwined with the confirmed habits and the noblest and the dearest associations of the people? Such was probably the mode of reasoning adopted by the new directors of the sovereign's will; and till, by repeated insults, tamely borne, they discovered, that the ancient spirit of the Scottish church was not to be awakened by any ordinary means, their measures were taken with caution, and with the appearance at least of candour and impartiality.

The new parliament, which had been elected amid such violent struggles, assembled on the twenty-fifth of November,

* Supplement to the History of Queen Anne, p. 51.

1710, and it soon appeared that the tories were greatly preponderant, from which the Scottish Jacobites drew the most cheering conclusions. The queen, in her speech, contrary to her practice on all former occasions of a like kind, took no notice of the success of the last campaign, and instead of promising, as formerly, to maintain the toleration, she adopted the language of Dr. Sacheverel, saying, "she would maintain the indulgence granted by law to tender consciences,"* which, with other concurring circumstances, demonstrated to the most careless that her heart was wholly with her new friends, and gave abundant room to surmise that she was better pleased to have her title to the crown bottomed upon lineal descent and presumptive right, than upon the authority of parliament, and the love of her people.† She appealed, however, to the fact of her calling a new parliament, as an evidence of her confidence in the duty and affection of her subjects; recommended the vigorous prosecution of the war in Spain,‡ which had been the hobby of her present ministers, while they were in the ranks of opposition; expressed great concern for the heavy debts of the navy, with her earnest desire that measures might be taken for discharging them, and preventing the like mismanagement in future; and, finally, she promised to support the church of England, preserve the Union, and to employ none in her service, but such as were hearty for the protestant succession. This latter assertion leaves a heavy stain upon her majesty's integrity, which in this instance can be cleared only at the expense of her understanding, which, as it was at best none of the clearest, might at this time, darkened by the breath of faction, and the steam of conflicting passions, fail to reflect

* "This change into the language of Sacheverel was much observed." Burnet's History of his Own Times.

† Sommerville's History of Great Britain, p. 408.

‡ This part of her majesty's speech was a source of high enjoyment to the French monarch, especially when he read it coupled with the answer of the commons, "We conceive it of the highest importance to carry on the war with vigour in Spain." "Ouy Messieurs," said he, "il est de tres grand importance au France." Sommerville's History of the Reign of Queen Anne, p. 313.

the true image of her own intentions. At the same time addresses from both houses re-echoed the speech.

The conduct of the former ministry, with regard to contested elections, had been often denounced by those who now filled their places, as tyrannical and unjust in the highest degree; and it was not surely too much to expect, that, by exercising an ordinary degree of impartiality, they would read a practical reproof to their predecessors. But so far were they from displaying any feeling of this sort, that they seemed resolved to blot out the remembrance of the doings in this way of former parliaments, only by heaping the journals with decisions more inveterately atrocious.* Revolutionists, or whigs, were almost on all occasions thrown out, either by falsifying the returns, or by the imputation of fancied crimes, so that few were admitted into the house but such as it was believed would be willing to go all lengths the managers might require. Nor were they satisfied with merely excluding whigs: the Scottish members, being a number of them Jacobites, and finding themselves possessed of the power of seclusion, could not forbear exercising it upon one another. Mr. Grierson, junr. of Lag, the worthy son of a most worthy father,† and a hearty Jacobite, who in the last parliament, had stood by the tories on all occasions, was returned for Dumfries-shire, but it happened to be through the interest of the duke of Queensberry, and out of contempt for his grace, owing to the part he had performed in the business of the Union, the Scottish tories exerted themselves to the utmost in favour of Mr. James Murray, second son to the viscount Stormont, and though Lag was, even in their own estimation, very deserving, acceptable to the court, and one upon whom they could have depended for furthering all their secret machinations, prevailed to have him thrown out, and Mr. James Murray preferred.‡

The principal object which occupied the attention of this session of parliament, though it continued through the winter,

* Enquiry into the mismanagements of the last four years of the reign of Queen Anne, p. 12.

† The reader will find a pretty full detail of his meritorious actions against the presbyterians in Wodrow's History, &c.

‡ Lockhart Papers, vol. i. pp. 325, 326.

and the greater part of the succeeding summer, was the crimination of the late ministry, which proved to be a matter of much more difficulty than had been anticipated. Charges of the grossest malversation were preferred against them, and a commission, chiefly composed of Jacobites, with each a liberal allowance for his trouble, appointed to substantiate them. A report by this commission was speedily published, showing a defalcation of upwards of thirty-five millions; but when it came to be more closely examined, it discovered only the rash malevolence of its authors, who had ventured to report, before they had been at the pains to comprehend the subject; and the mighty uproar closed, with laying open the peccadilloes of a few paltry clerks, and a receiver or two, which among the mass of persons, and these too often of no great reputation, necessary for the collecting of an extensive revenue, can scarcely be expected but to be met with, at any time an inquiry may be instituted.* To give countenance, however, to these extravagant charges, a system of fraud, and of calumnious misrepresentation was adopted, which lost to the nation the benefits of a long list of the most daring achievements, achievements that had been purchased with the loss of much of her best blood, and of sums till that time unheard of even in the details of national prodigality, and which, but for the almost immediate interposition of providence, bade fair to have cut short the career of Britain's glory, ere it was well begun, and to have consigned her to slavery, ignorance, poverty, and dependance. The changing of the succession had become a favourite object with some, who had now got into power, and before this could be effected, it was necessary that the benefits accruing from the revolution, should be placed out of view, either by denying their existence, or lessening their effect. Peace with the French king was also necessary for the successful prosecution of their project, and though this was easy in itself, it was by no means easy to be brought about so as to satisfy the general feeling of the nation, which, by a splendid succession of victories, had been wound up to no ordinary height;

* Sommerville's History of Great Britain, &c. pp. 418, 419. North British Memoirs, p. 265. Supplement to the History of Queen Anne, pp. 100, 102.

both these purposes, it was presumed, were in some degree served at the same time, by disparaging the revolution, and by holding up its friends, among whom the late ministry were reckoned the chief, to general contempt, as enemies to the church, public peculators, timeservers, and inveterate republicans.*

But of all the public characters of that day, none was more obnoxious to the reigning faction than the duke of Marlborough, whose unrivalled talents they peculiarly dreaded, and the splendour of whose achievements it was difficult, as it was dangerous, to attempt to tarnish. He had been allowed to retain the command of the army, when the greater part of the whigs had been turned out of their employments, only because of his great popularity, and for fear of alarming the allies, among whom he possessed great influence, and who reposed in him the utmost confidence; but as their plans came to be more matured, and it was determined to pursue a separate line of policy, the opinion of the allies came to be of less consequence, and by a multiplicity of libels and all manner of groundless calumnies, they hoped so to blacken his reputation, that in a short time they might safely dismiss him, not only without incurring any particular odium, but with a considerable increase of popularity.

It was also hoped, from the still increasing exertions of the most christian king, and the great talents of marshal Villars, who had obtained the command of his forces, that the laurels of the duke, during the ensuing campaign, if they were not in some degree blasted, could not acquire any remarkable accessions. In this expectation, however, they were disappointed; for those obstacles, which they fondly hoped he would find insurmountable, only served to illustrate his stupendous genius, and gave him an opportunity of surpassing all his former fame. When he entered upon the scene of action, in the spring of 1711, prince Eugene had withdrawn, with the Germans, from the grand army to the Upper Rhine, leaving him with the Dutch, English, and a few auxiliaries, greatly inferior to the French under Villars, who

* Rae's History of the Rebellion, p. 7. Macpherson's History of Great Britain, vol. ii. pp. 410, 411.

had taken post behind the Senset, and occupied lines, extending from Bouchain on the Schelde, along the Senset and the Scarpe, to Arras, and thence along the Upper Scarpe to Canche, which were defended by redoubts and other works in such a manner as to render them in his own opinion impregnable, and which, by way of anticipated triumph, he called the *ne plus ultra* of Marlborough. By a complication of manœuvres, the finest, perhaps, ever practised by any general, Marlborough drew him out of these impregnable lines, and took possession of them without the loss of a man.*

Bouchain, the object Marlborough had in view by this masterly movement, was immediately invested. In the meantime, he despatched brigadier general Sutton to England, with an account of his having passed the French lines, which, to the junta that had now in their hands the government of Great Britain, was no very agreeable intelligence, as it reduced them to the necessity of new inventions to detract from the merit of a man against whom they had already done their utmost. But their full hearts were speedily relieved by a lucky surmise, that it was a something worse than useless achievement, as he had by it only removed his camp from a plentiful situation to one where the troops would most certainly be starved. The enterprise Marlborough had undertaken was, indeed, to ordinary minds, very like an impracticable one. Bouchain was situate in a morass, fortified in the best possible manner, having an ample garrison of picked men, and Villars himself in the immediate neighbourhood with an army superior to that of the besiegers. But the genius of the British general, and the courage of his troops, triumphed over all these difficulties. In spite of all that Villars could do, in the short space of three weeks after the opening of the trenches, he had the mortification to see the fortress surrendered, and the garrison march out "with their hands in their pockets," prisoners of war.†

This was the last, and perhaps the most brilliant exploit

* Sommerville's History of Great Britain during the reign of Queen Anne, pp. 439, 440. Supplement to the History of Queen Anne, pp. 120—122.

† Memoirs of Military Transactions, &c. by Captain Robert Parker, pp. 196, 197.

performed by the great duke of Marlborough. By the capture of Bouchain, he had opened a way into the very bowels of France, and no sooner were the breaches thereof repaired, than the opposite armies began to separate, the allied forces taking up their quarters in the frontier towns, that they might be ready for taking advantage of all their successes in the spring. Marlborough retired to the Hague, and about the middle of November, returned to England, where, instead of being welcomed with those honours which services so splendid called for, he was dismissed from all his employments, attacked with every species of vulgar abuse, and ordered to be prosecuted by her majesty's attorney-general, as a public peculator. The charges laid against him were, his having received a yearly premium paid by the contractors to the army for bread, and a perquisite of two and a half per cent. upon the pay of the foreign troops. These had all along been allowed to the commander-in-chief in the Low Countries, in aid of the ten thousand pounds which were yearly granted by parliament for secret services. That the party who preferred these charges had not the smallest belief that the actions charged were criminal, is evident from their bestowing upon the duke of Ormond the command of the same army, with the very same perquisites, without which, indeed, he refused to accept it,* but they served as an apology to the public, for the transference of the power and the perquisites into hands which certainly had not merited the one, nor given any good evidence of being qualified for effectively employing the other, and as texts to the herd of mercenary scribblers, which they kept in daily pay, upon which to found their infamous fabrications† against a man who was the glory of his age and

* Supplement to the History of Queen Anne, p. 113.

† One of their hirelings, or more probably one of themselves, asserts in a number of the Examiner, a scurrilous party paper, of which the shrewd, but heartless and unprincipled Dr. Swift, and the infidel Bolingbroke, were the two principal luminaries, "That the duke of Marlborough was naturally a very great coward. That all the victories and successes that attended him were owing to mere chance, and to those about him, for whenever he came to be engaged in action, he was always in a great hurry, and very much confounded upon every little emergency that happened, and would cry in great confusion to those about him, 'What shall we do now?'"

country. Charges of a similar kind were preferred against Godolphin, which, no doubt, had a similar origin, as they came to the same conclusion—that is, were silently dropped.

But if the ministry were embarrassed with success where they had hoped for disgrace, they had abundance of disgrace where they as earnestly hoped for success. One of their most frequent topics of declamation against the late ministry, was the alleged mismanagement of the war in Spain, where they contended it should have been carried on with the greatest vigour, and where, as they alleged, it had been overlooked. They accordingly pretended to turn their attention to this neglected quarter with more than ordinary interest. The duke of Argyle, who, from envy of his talents and singular success, had become a great declaimer against the duke of Marlborough, and, from the hope of emolument, a hanger-on upon the new ministry, was appointed generalissimo, to carry the terror and the triumph of their arms over that devoted country. When his grace, however, arrived in Spain, he found the troops in the most wretched condition, and the remittances promised him—though the commons had voted one million five hundred thousand pounds expressly for that service—never reached him; in consequence of which, he was compelled to raise money upon his plate and personal credit, for their immediate wants, and in a short time returned to England, having done nothing.*

Mr. St. John, at the suggestion of some Indian chiefs, and for the benefit of brigadier Hill, the brother of Mrs. Masham,† the waiting-woman, to whom he and Harley owed their present elevation, had planned an expedition against Quebec, for the equipment of which, the queen was prevailed upon to sign a warrant for the payment of twenty-eight thousand pounds, though it had never been spoken of in parliament. Eleven line of battle ships, besides frigates and transports, having on board five thousand troops, sailed upon this expedition; but, from the lateness of the season, the ships not being adapted for the service upon which they were sent, the

* Life of John, duke of Argyle, pp. 69, 70.

† Memoirs of the four last years of Queen Anne, p. 118. Macpherson's History of Great Britain, p. 334.

want of provisions, and the total incapacity of the general under whose charge the whole was placed, it also returned, having, with the exception of the loss of eight ships, with all that were aboard them, accomplished nothing.*

Under all these mortifications, which they must have felt very keenly, they could yet console themselves, that they were making considerable progress towards a reconciliation with France, which was of the first importance to their present plans, and to their ulterior prospects. The projected peace was advancing apace, in the hands of Mr. St. John, lord Dartmouth, and Matthew Prior; the house of commons was every thing they could wish, their principal opponents being expelled, and though the house of lords was not quite so complacent, they already contemplated measures for rendering it equally subservient to their views, as we shall see in the sequel.†

But, to return more particularly to the affairs of Scotland—the parliament having been occupied as we have already related, had little time to bestow upon her, and that little was employed rather to her disadvantage than otherwise. The first object that came to be debated, in which she was more particularly interested, was a bill imposing a duty upon the exportation of linen, the debates upon which, were managed with great heat, and in a manner that showed distinctly that, on either side, national prejudices were yet far from being extinguished. Many members, indeed, spoke of Scotland as if she had been a conquered rather than an allied country. “Have not we,” said Harley, “bought them [the Scots], and a right to tax them. And pray, for what did we give them the equivalent?” He was replied to with great warmth by the Scottish members, particularly by Lockhart of Carnwath, who, with all his faults, was certainly, in his own way, zealous for the honour of his country. The bill was, nevertheless, carried, in defiance of all opposition. An attempt was also made for promoting the trade of Scotland, by placing the transportation of naval stores from that country upon the same footing as from the American colonies, but it was not successful.

* *Memoirs of the four last years of Queen Anne*, p. 118.

† *Burnet's History of his Own Times*.

In the mean time the assembly of the church of Scotland convened at Edinburgh, upon the tenth of May, 1711, and after sermon by Mr. William Mitchell, late moderator, made choice of Mr. William Carstares, principal of the college of Edinburgh, as their moderator—the commissioner on this occasion was William, marquis of Annandale. Notwithstanding the violent encroachments which the episcopalians were in many places making upon the rights of the Scottish church, and the openly avowed intention of the Jacobites to have all these encroachments legalized, the letter of the queen was soft and soothing, breathing even more than her accustomed piety, and promising, on her part, every thing that could be desired. “We are,” she says, “persuaded, from your prudent and calm proceedings in former assemblies, *that at this time you will go on in the same way; and that you will take care to plant vacant churches with learned, diligent, and pious ministers; to promote religion, suppress vice and impiety, and prevent the growth of popery and atheism. And nothing shall be wanting on our part, to convince you of our royal intentions to protect and maintain you in the full possession of your rights and privileges, as by law established.*”^{*} Taken in connexion with the spirit of her present administration, these professions on the part of the queen, with the Calderwoods, the Bruces, the Knoxes, and the Hendersons of former days, would most probably have been considered as intended to cajole, rather than to satisfy and confirm doubtful minds, and must have been by them treated accordingly; but the church of Scotland had now fallen into the hands of men of easy faith and accommodating tempers, under whose tutelage the assembly was made to reply with the most infantine simplicity. “The assurances that your majesty in your great goodness has been pleased to give us of your royal intentions, to protect and maintain us in the full possession of all our rights and privileges, as established by law, do make us easy amidst all the vain confidence of those amongst us, who separate from our communion, to whom the advantages we enjoy under your majesty’s just and gracious

^{*} Queen’s letter to the General Assembly, 1711.

administration are an eye-sore; and shall oblige us to carry ourselves so, as your majesty may ever have reason to continue more and more satisfied with our conduct. It is our grief, that your majesty's zeal for promoting of piety, suppressing immorality and profaneness, and for bearing down atheism, popish idolatry, and superstition, hath not obtained the success we are assured your majesty doth earnestly desire, and we heartily wish for; but, when your majesty is not discouraged from renewing your injunctions as to this important affair, we shall be inexcusable, if we do not, with our utmost endeavours, second your majesty's pious inclinations.

"The planting of vacant churches with pious and learned ministers hath always been, and shall be our most serious endeavour; but we cannot conceal from your majesty, that in some places we meet with too open and designed opposition; however, we are resolved, that how inhumane soever these insults be, they shall not discourage us from obeying God and your majesty, in promoting so good a work, not doubting, but that your majesty's so gracious and plain declaration of your royal pleasure, to maintain and support us, with the care of those intrusted under you, shall be able, through the influence of your royal authority, to give an effectual check to such as openly contemn your laws, and have too little regard to the public peace. That your majesty may be compassed about with divine favour, as with a shield, and always preserved both from deceit and violence, for the protection and comfort of the protestant churches, the happiness of your people, the security of the liberties of Europe, and for procuring thereto a safe and honourable peace, and defeating all the hopes that adversaries may have, of imposing a popish successor upon your dominions: that, after a long and happy reign upon earth, your majesty may be possessed of a glorious immortality, and that the succession to the throne after your majesty, and the heirs of your body, in the protestant line of the illustrious family of Hanover, by law established, may be firm and sure, are, and shall be the prayers of &c. &c."* In the same spirit, "The General Assembly did, by an unanimous vote, recommend

* Answer of the General Assembly to the Queen's letter, 1711.

to all the ministers of this church, that in their public prayers, after praying for her majesty, queen Anne, they do expressly mention the princess Sophia, electress, and dutchess dowager of Hanover, and the protestant line in that family, upon whom the succession to the crown of these dominions is by law established; or that they pray in such terms as their congregations may understand that they mean the princess Sophia, and the heirs of her body, being protestants.* This recommendation gave great offence to many serious presbyterians, both ministers and people, and it may very reasonably be doubted, if it gave any satisfaction to her majesty. Of much more importance, and more suitable to the character of the assembly, were two recommendations, which are still as necessary as they were then, perhaps more so, the one for the *more regular* dispensation of the Lord's supper, so as that it might be enjoyed through the several months of the year; the other that the worship of God, in all its parts, should be set up in every family, "according to former acts of assembly, and directions given concerning the same."

This assembly also passed an "act concerning probationers, and settling ministers, with questions to be proposed to, and engagements to be taken of them," which, as it took no particular notice of already attained to reformation, between the years 1638 and 1649, gave additional grounds of jealousy to those who were previously doubtful of the strict propriety of the revolution settlement. Were these regulations, however, faithfully enforced, and were every candidate for office in the established church able to answer the questions with a good conscience, there would be fewer grass-grown paths around our decaying parish churches, much less noise about the rights of conscience, but a much more evident display of its legitimate exercise in the general business of life. To the commission of the assembly was left, as usual, the maintenance of unity, and the suppression of error and schism in the church, the "notice of what misrepresentations shall be made, either at home or abroad, of the doctrine, worship, discipline, or constitution of this church, and to take all decent and proper methods for the

* Acts of the General Assembly, 1711.

vindication thereof,"—the care of erecting schools—the corresponding with the society for propagating christian knowledge—the consideration of the case of Mr. John Mackmillan, late minister of Balmaghie—the censuring of Mr. John Macniel, "who continues to preach, after his licence has been declared null"—the assisting Mr. Mackie to obtain possession of the kirk and stipend of Balmaghie—the receiving of such curates as may apply for ministerial communion, &c. &c. and in fine, the care and preservation of all the rights and privileges of the church. The errors of Antonietta Bourignon were also, by this assembly, again recommended to professors of divinity, to be confuted, and it was dissolved in the usual form on the twenty-third of May, having appointed the next meeting to be at Edinburgh, on the first Thursday of May, one thousand seven hundred and twelve years.*

The General Assembly of the church of Scotland, which, degraded as it was, and sunk in the estimation of the people, compared with what it had formerly been, had the power to have enkindled a prodigious flame in the nation, being thus tranquilly got over, the Jacobites were left at liberty to pursue their insidious purposes without fear, and they, no doubt, hoped, that before another assembly would be convened, its opposition would be, from the progress of events, still feebler, and less likely to be effective. Nor did their hopes appear to be without a solid foundation. In England, the fanatic Sacheverel, aided by all those arts which political duplicity and superstitious bigotry have ever at command, had effected every thing that high church policy could desire. The stream of popular opinion, swollen to an irresistible torrent, was sweeping before it, in mass, or in rapid succession, all those ameliorating maxims, the salutary offspring of pure religion and sound philosophy, which had for ages been the chief source of the glory and growing felicity of the nation. Fifty additional churches, too, had just been ordered to be built and endowed by the new ministry,† which, while it impressed the unthinking vulgar with exalted notions of their piety, by extending their patronage, gave them a great increase of influence in the church.

* Acts of Assembly, 1711.

† Supplement to the History of the reign of Queen Anne, p. 98.

An attempt had also been made, to give to high church bigotry the same importance, and the same ascendancy in Scotland. Dr. John Sage, who was, in the year 1705, constituted bishop of Dunblane, had for a number of years following the revolution, through the medium of the London press, kept that country, which, poor as it was, appears even then to have been a reading country, in a state of perpetual agitation, by an inundation of pamphlets, filled with the grievances of the bishops, and the groans of the curates; and now, emboldened by the example of Sacheverel, and the countenance shown him by persons of every degree, an episcopalian, of the name of Greenshields, set up the episcopal form of worship, in its most offensive shape, in the Scottish metropolis, under the very beards of the chief rulers, civil and ecclesiastic. After having repeatedly admonished him to no purpose, the magistrates of Edinburgh shut up his meeting-house, and committed him to prison, as an intermeddling and seditious incendiary. Aided, and set on, by the influence of the Jacobites, who regarded the Scottish presbyterian establishment as the most insuperable barrier in the way of their favourite project, the restoration of the pretender, Greenshields brought his case before the court of session, where the sentence of the magistrates was confirmed, and the case of the Jacobite episcopalians rendered hopeless, for any thing that could be done for them in Scotland. Determined, however, to leave no mean untried, the party persuaded and assisted Greenshields to carry the matter before the lords spiritual and temporal, where it arrived at the time of Dr. Sacheverel's trial, and of course was only tabled, and lay over till next session, when, by the change of the ministry, of the parliament, and of the popular voice, it could not fail to be most favourably entertained.

At the same time, the ministry, sensible that they could not obtain a decision upon this matter that would be agreeable to their own party, without at the same time encroaching upon the rights of the Scottish church, would most gladly have allowed it to sleep, and, had they been left to themselves, would rather have gratified Mr. Greenshields in some other way.* But a few of the leading Scottish Jacobites, Carnegy of Boisack,

* Lockhart Papers, vol. i. p. 366. Burnet's History of his Own Times, &c.

Mr. James Murray, Sir Alexander Areskine, lord lion-king-at-arms, Sir Alexander Cuming of Cantar, and Lockhart of Carnwath, who, to serve the chevalier, had taken the oaths to the government, and obtained seats in the house of commons, having entered into a close correspondence, and engaged to stand by one another in the joint prosecution of whatever might tend to promote their views, which were all directed to the dissolving of the Union, and the restoration of the pretender, considered this too good a subject to be lost sight of, as it afforded a fair opportunity of bringing into notice the almost forgotten curates, who were to a man enemies to the protestant succession, and of having a thrust at the presbyterians, whom the Jacobites hated, as having been, in their opinion, principally at the bottom of the revolution. Accordingly, they brought up Mr. Greenshields to London, supplied him with money, and adopted such powerful, though underhand, dealings with the lords, as could not have failed to produce a decision in his favour, though they had been much more impartial judges than they really were. The sentence of the court of session was, of course, reversed, and the magistrates of Edinburgh subjected to heavy damages, to the great joy of the Jacobites, who imagined that in this transaction they beheld the dawn of more propitious times.

The times were, indeed, more propitious for them than, probably, sanguine as they were, they had ever in reality hoped to see. The duke of Hamilton, the head of their faction, who, during the alarm of the late invasion, had sat up for three nights successively, that he might be in readiness to join the pretender upon his first landing,* was now a minister of state; the duke of Athol, a favourite at court; the earl Marischal, with almost all the peers that had been taken up and imprisoned for the late invasion, lords of parliament; and all the leading cavaliers, Lockhart of Carnwath, Carnegie of Boisack, Cuming, Murray, &c. &c. leading men in the house of commons, where the redoubted Bromley was now speaker. Harley figured as lord treasurer, and Mr. St. John as a secretary of state. What was still more cheering, Harcourt, the defender of Sacheverel, and the

* Lockhart Papers, vol. i. p. 247.

advocate of divine and indefeasible hereditary right, was now lord chancellor of England, so that there was but another step to take, and all would be entirely to their minds. Believing, no doubt, that this step would immediately be taken, and, as a mean to hasten it on, they celebrated the pretender's birth-day, June the fifteenth, at Edinburgh, and various other places, with great solemnity, as if he had already been recognised king of Great Britain.*

About this time a silver medal, having on one side a head of the chevalier de St. George, with this inscription, *Cujus est*, and on the reverse the British Islands, with the motto *Reddite*, was handed about among his friends on the continent, and especially among his favourites in Britain. One of these medals was presented by the dutchess of Gordon, through the medium of Mr. Robert Bennet their dean, to the faculty of advocates, which, after a warm debate, at a meeting, ostensibly called for admitting a new member of faculty, but designed, by the tories among themselves, for the purpose of promoting the interests of the pretender, was accepted of, and an address of thanks voted to her grace for the distinguished favour she had bestowed upon the body. The reception of this medal was warmly opposed by Mr. Alexander Stevenson, who moved, that the medal should be returned to her grace, as the receiving thereof was to "throw dirt in the face of the government." Mr. Stevenson was seconded by Mr. Robert Alexander of Blackhouse, who affirmed that to receive the medal was to acknowledge a right contrary to that of her majesty. He was replied to by a Mr. Fraser, who remarked, that the medal of Oliver Cromwell, who deserved to have been hanged, and the arms of the commonwealth of England, which he probably did not esteem more highly, had been received by them, and why should they not receive this? The insolence of this interrogation raised the indignation of all the loyal members of the faculty who were present, especially of Mr. Duncan Forbes, afterwards the famous lord president, Mr. Hugh Dalrymple, Mr. James Ferguson, Sir James Stuart of Goodtrees, her majesty's solicitor-general, and Mr. Joseph Hume of Nineholes,

* Burnet's History of his Own Times.

who, adverting to the witty remark of Mr. Fraser, with regard to Oliver Cromwell, said, it would be time enough to receive the pretender's medal when he was hanged. Dundas of Arniston, however, aware how the meeting was constituted, and that by the number of votes he would carry his cause in the end, concluded with a speech to the following extraordinary effect:—"Whatever these gentlemen may say of their loyalty, I think they affront the queen, whom they pretend to honour, in disgracing her brother, who is not only a prince of the blood, but the first thereof; and if blood can give any right, he is our undoubted sovereign. I think too they call her majesty's title in question, which it is not our business to determine. Medals are the documents of history, to which all historians refer; and, therefore, though I should give king William's, stamped with the devil at the right ear, I see not how it could be refused, seeing that an hundred years hence it would prove, that such a coin had been in England. But, dean of faculty," he continued, borrowing vigour from the applause of his numerous friends, and the desponding and horrified countenances of his opponents, "what is the use of speeches? None oppose the receiving the medal, and returning thanks to her grace, but a few scoundrel vermin and mushrooms, not worthy of our notice; let us, therefore, proceed to name some of our number to return thanks to the dutchess of Gordon!"

Whatever, in a legal point of view, the learned members might think of the logic of this speech, they could not but admire the confidence and the devotion of the speaker, and, accordingly, they appointed him, with the assistance of Mr. Horne of Westhall, to return thanks to her grace, in whatever terms he should find convenient, which, three days after, he did in the following extraordinary manner:—"Madam, We are here deputed by the dean of the faculty of advocates, in their name, and for ourselves, to return our most hearty thanks to your grace for all your favours, and particularly for the honour you did us in presenting us with a medal of our sovereign lord the king. We shall always be proud of any occasion to testify our loyalty to his majesty, and the respect and honour we have for your grace. Madam, I hope, and am confident

so do my constituents, that your grace shall very soon have an opportunity to compliment the faculty with a second medal, struck upon the restoration of the king and royal family, and the finishing rebellion, usurping tyranny and whiggery !”*

Violence and extravagant zeal have a natural tendency to defeat their own purposes. Had Dundas and Horne conducted themselves with a little more prudence and moderation, the end they had in view might have been in some degree promoted; but the manner in which they went about it, perhaps more than the thing itself, made so much noise, and created so much speculation, besides exciting the notice of Sir David Dalrymple, her majesty’s advocate, that the faculty, becoming alarmed, called a general meeting, which disavowed the whole business by an act dated at Edinburgh, the eighteenth day of July, 1711: “The dean and faculty of advocates, understanding that several malicious reports have been raised and industriously spread, concerning a medal, said to have been lately sent to one of their servants, in order to be kept along with other curiosities belonging to that society, met yesterday, extraordinarily upon that occasion. And it appeared to them, that a medal was sent to one of their servants, who being called, acknowledged his having the same, and justified that it never was put into the faculty’s collection of medals, nor had ever been out of his custody. The said dean and faculty did, at the said meeting yesterday, unanimously declare, that they rejected the offer of the said medal, and ordered the said servant to deliver up the same into the hands of the lord advocate, which was done in their presence. And further, the dean and faculty of advocates did unanimously appoint a committee, to bring an act of faculty, containing a narration of the fact as above, and a declaration of their duty and loyal affection to her majesty’s person and government, and the protestant succession, as by law established, and their detestation of all practices that directly or indirectly may contain the least insinuation to the contrary, or may give encouragement to the pretender. The committee having met, and made a report, the faculty in a very frequent

* North British Memoirs, pp. 255, 260.

meeting assembled this day extraordinarily, did unanimously agree to the narration of the matter of fact as above. And for vindication of their duty and loyalty to her majesty's person and government, and the protestant succession, as by law established in the illustrious house of HANOVER, do declare their utter detestation of all practices that directly or indirectly may contain the least insinuation to the contrary, or any encouragement for the pretender or his abettors; and for publishing these their sincere and stedfast resolutions, do ordain these presents to be signed in their name," &c. The faculty also published an advertisement in the Edinburgh Gazette, against the author of the *Flying Post*, who published the transactions of the first meeting, which saved appearances, and the government took no notice of the matter further than to dismiss, upon the representation of the Hanoverian resident, Sir David Dalrymple from the office of lord advocate, on pretence of remissness in the affair. His successor, Sir James Stuart of Goodtrees, however, took as little cognizance of the matter as he had done; and there cannot be a doubt but that it was the desire of her majesty's ministers, that the whole affair should be overlooked; but the friends of the protestant succession, had still sufficient influence to procure, in the next session of parliament, an act, compelling all practitioners of law in North Britain, to subscribe a declaration against the pretender.*

This perpetual bustling and rage for display, on the part of the Jacobites, was certainly in the highest degree impolitic, and tended materially to defeat their designs. Having gained over the queen and surrounded her with their own creatures, it should have been their study to create no alarm, but to work their way silently and surely, concealing their strength and their intentions as much as possible till they were ready to be put in execution. Such, in all probability, were the views of those, who, having got into situations of trust and influence, were best able to forward these intentions; but the mad enthusiastic devotion of some, the avarice of others, who were anxious to be profitably employed, and the childish

* North British Memoirs, p. 263—263.

impatience of all, disconcerted the combinations of deliberate prudence, and drove, however reluctantly, the most cautious of their leaders into a precipitancy of action, which, alarming the fears of the nation, uniting the views and concentrating the efforts of all who were friendly to the constitution as settled at the revolution, tended in no small degree to the final ruin of all their projects. Many of the party, indeed, still contemplated no other than a forcible restoration of James to the free and unfettered exercise of his, as they believed, unalienable prerogatives, through the assistance of France; and to encourage Louis to make another attempt in his behalf, much of their absurd rant was intended. In pursuance of the same end, we find them repeating, with additions and improvements, all the misrepresentations of Hooke, and magnifying every little circumstance to the utmost. "Since the revolution," says the famous nonjuror Lesley, in a memorial presented by him, this year, to the court of St. Germain, but evidently intended for that of Versailles, "there has not been so great a confusion of counsels and of measures in England as there has been since the last change in the ministry; and the affair of Greenshields, a minister of the church of England, whom the parliament has lately protected against the presbyterians of Scotland, has irritated the latter to that degree, that they would concur in whatever might deliver them from the Union with England, which is universally detested in Scotland, where they are all persuaded, that nothing can deliver them from it but the return of their sovereign.

There is at present a concurrence of circumstances more favourable for an enterprise than there has been since his majesty came out of England. But all this will change in time, and for the future they will attend only to the means of supporting, as easily as they can, the chains from which they see no further hopes of being delivered. There is not a man in Great Britain who is not convinced, that if the king of England had landed the last time in Scotland, he would have infallibly succeeded, and the conjuncture appears at present still more favourable. The inclination of the Scots towards their king appears visible, in their sending, as members to parliament, the same men who had been brought prisoners

to London on account of the invasion, and I can assure, that these men have not changed their sentiments." This memorialist goes on to inform his master, how nearly the bank of England was ruined by the last, and how certainly it would be so, by a present invasion, from which he deduces this consoling conclusion. "If the bank of England fails, I believe there is no doubt, that the confederates will not be able to carry on the war, and then his most christian majesty will have a safe game to play, without running any risk. Troops" he adds, "are daily draughted, to be sent out of the kingdom, so that few will be left to make opposition, and there are several in the army, who have discovered their dispositions, of returning to their duty towards their king, if they found the opportunity. They are preparing fleets to be sent to the Mediterranean and elsewhere, so that the few ships which will remain to guard the channel, cannot hinder the passage from Brest to Kircudbright, especially if an alarm is given from Dunkirk and other parts. All the fleet of England, can never hinder a squadron to pass from Brest to Ireland, and Scotland is only a little more distant in the same line." After alluding to the hazard, which, even the king's friends might be unwilling to run, and stating the necessity of ten thousand men to accompany him, if success was to be ensured before hand, he proceeds to assure him, of the favourable sentiments of the queen:—"It is generally thought, that the princess of Denmark," so he denominates the queen, "is favourably inclined to the king her brother, and that she would choose rather to have him for her successor, than the prince of Hanover. But she is timid, and does not know to whom she can give her confidence. The duke of Leeds told me, that he had endeavoured to sound her as much as he could upon the subject, and he is in her confidence, and has free access to her; but though she never chose to explain herself upon this point, she says nothing against him. It is thought, that if the king of England was in Scotland, a treaty with him would be immediately proposed, and then the members of parliament would be at liberty to declare their sentiments, whereas they are now constrained by an act of parliament, which declares, all those guilty of high treason, who shall oppose the Hanoverian succession, by word or writing. But the king of England being

in Scotland, and all the kingdom acknowledging him, which could not fail to happen soon after his arrival in that country, then the present necessity, and the common good of the nation, would authorise the liberty, which each might take, of proposing whatever could prevent the fatal effects of a civil war.* What is meant here by the fatal effects of a civil war, is not easily comprehended, for from what follows, a civil war seems to be the object which the memorialist is pursuing, and from which, he evidently hopes for the most favourable results:—"The smallest advantage which an expedition of the king of England into Scotland could produce, would be a civil war, which might be supported from time to time by France, even though none of his majesty's subjects should join him. But that is not to be supposed, for in the division of parties, there are now malecontents enough in Great Britain, who would rejoice at that opportunity of joining him, besides so many in distressed circumstances, or on bad terms with the government, whom fear, resentment, or hope would influence; and there are men of that character in every country, but no where so many as in Great Britain."*

Louis and his ministers had been so long accustomed to these representations, that they probably paid no great attention to this, the statements of which must have appeared, even to them, doubtful, if not contradictory; they had, at the same time, their hands more than full, and had already begun in good earnest to attempt relieving themselves, not by enlarging, but by narrowing the field of their warlike operations; and, however much it suited formerly with their interests, or their general policy, to promote a civil war in Britain, it was neces-

* Memorial of the Sieur Lamb [Lesley] to the court of St. Germains. Stuart Papers, 1711. Lesley was a coadjutor with Sage in fabricating that mass of ribaldry which we have already mentioned as inundating the country on the back of the revolution, and he exemplified the candour of his character by the following account of presbytery and of presbyterians:—"It has been an old observation, that wherever presbytery was established, there witchcraft and adultery have been particularly rampant. As one said of Scotland, in the days of presbytery, they burn all the old women for witches, and keep the young ones for w——s. The records of the stools of repentance in Scotland would astonish you, where such multitudes of men and women come daily to make their show for adultery and fornication, that it has almost ceased to be a shame!" The Rehearsals, published in 1704, 1708, &c. &c.

sary for the present, as they were just entering upon negotiations for a separate peace, to seem, at least, to pursue a different line of conduct.

Fortunately for the interests of religion and liberty, breathless anxiety seems at this period, so favourable to their views, to have superseded every other feeling, and to have paralyzed generally, every thing like well directed exertion on the part of the Jacobites; yet there were among them, men, subtle and sanguine, whose conceptions were bold, their address plausible, and their plans, had they been seconded by unanimity and prudence, on the part of their followers, not a little dangerous. Pretending to be a friend to the church of England, the advocate of national independence, and a lover of liberty, we find one of them, the same year, thus stating his opinions:—"I need not go about to prove, that the house of Hanover, and the states of Holland, are united with the whigs and discontented party of England, against the queen, her present ministry, and the church of England. Their late proceedings, have sufficiently shown their inclinations that way, and nothing is more obvious, than that the church and court party, can expect no quarter from these three united powers, if ever they come to have the superiority. The duke of Hanover, has, in conjunction with the states, declared himself so openly for the whig party, in opposition to the queen herself, as well as her ministry, that it is visible, he is inseparably united to that party, and will always be influenced by it; and that if ever he comes to have the power in his hands, the church and present ministry must fall a sacrifice to the whigs' revenge, the breach being too wide to expect they can ever be thoroughly reconciled. I am of opinion, therefore, that as matters stand now, there remains only one expedient, that can possibly secure at once, both the church and state, against any attempt that may be made to their prejudice, either during the queen's life, or after her death, by a powerful, absolute prince, supported by a jealous, interested nation abroad, and animated by an exasperated, factious party at home; and that is to call home the queen's brother, whose just right gains ground daily in the hearts of his subjects, in order to which, I think it not only advisable,

but absolutely necessary, to send to treat with him, without loss of time, for all depends upon taking timely measures, it being of the last importance to the court and country interest, as well as his, to be before-hand with their common adversaries. Accidents may happen; we are all mortal; and if things be not prepared and secured before a vacancy, it will be very hard after that, to avoid a civil war; for we all know, that according to the laws now in being, Hanover, in that case, must of course, be proclaimed king. It will be too late then, to repeal these laws, which make it high treason to oppose him; and it is not to be doubted, but he will quickly come over here, and bring with him, if it be necessary, all the force the Hollanders and he can draw together. On the other hand it is certain the king will not be wanting, on his side, to transport himself, at any rate, into some part of his dominions, to join with his friends, in order to assert his right, and venture all, rather than have the shame and grief, to see a foreign usurper take peaceable possession of his lawful inheritance. This must unavoidably produce a civil war, which is perhaps what the Hollanders wish for, the fatal consequences of which, may last and extend nobody knows how far.

“The only remedy I see to prevent these misfortunes, and save our nation from ruin and bloodshed, is the proposal above mentioned, of sending, immediately upon the conclusion of the peace, to treat with her majesty’s brother, the king, and call him home privately, upon the first recess of parliament.

“This is absolutely the quickest, safest, and easiest way; for all other slow, dilatory, methods of preparing things by degrees, managing the opposite party, waiting for new favourable opportunities, and keeping, in the meantime, this prince at a distance, are exposed to too many dangers and difficulties, besides that unanswerable one of a sudden mortality, which, as it may very possibly happen, to our great grief and misfortune, when we expect it least, so it is the height of imprudence not to prepare against it.

“It would require a great deal of more time than we can in prudence promise to ourselves, to go about to repeal the act of the settlement of the crown in a parliamentary way,

before he be called over; so I think that tedious method nowise advisable. Besides that the undertaking itself might meet with such opposition in his absence, as would expose it to the danger of a miscarriage; whereas, he being once upon the place, invited thither, and countenanced by her majesty, (which is no very hard matter to contrive, so as to make it very practicable in the recess of parliament, without the least danger of disturbance,) those very persons who would have opposed him in parliament and every where else in his absence, will be the first to come and kiss his hand when he is here, and comply with whatever the queen shall think fit to do in his favour.

“ It is so visibly the queen’s and the present ministry’s true interest to call her only brother home, in this conjuncture, that he and they may be a mutual support and security to one another, that I am morally assured he will not make the least difficulty to trust himself entirely into their hands whenever they please to call him; and that he will be willing to come over with a page only to accompany him, upon the queen his sister’s letter, if it be thought fit and necessary for his and their common interest so to do; and, when he is once here, I am sure nobody will find fault with the queen’s receiving him kindly. She may safely present him to her council, own him there for her brother, and declare her good intentions towards him, and what she has thought fit, with the advice of her ministers, to treat and concert with him, for the future good and peace of her kingdoms; after which step, it will be infinitely more easy, and less hazardous, than by any other method whatsoever, to get the present settlement of the succession altered in the next meeting of the parliament, and every thing regulated there to their mutual satisfaction; and all the rights and privileges of church and state, crown, parliament, and people, settled again upon the solid foundation of the ancient laws and constitution of the kingdom.

“ But to assure the success of this great work, I think it absolutely best, when he is invited over, that he be allowed to come straight to London, where his sudden and unexpected appearance will surprise and confound all his unprepared enemies, break all their measures, and make every

thing go so quick and easy on the queen's side and his, that they will soon, by the wise conduct of the present ministry, put it out of the power of either Hanover or the discontented whigs to disturb the new settlement that shall be agreed upon between the brother and his now only sister. But, in case things be not thought ripe enough, or sufficiently disposed to bring him straight to London, the next best will be to bring him to Scotland; which will be better by far than sending him to travel into foreign countries. Only one thing is to be observed, as to Scotland, that the government of the church there being presbyterian, and the generality of that nation being discontented with the Union, which we in England think it our interest to maintain, he may, perhaps, have some hard proposals made to him upon that head, by a prevalent party in that kingdom, which will make him very uneasy, by putting a disagreeable necessity upon him of refusing what he cannot grant them, without disobliging the English, which I have good reason to believe he is resolved not to do; it being contrary to his inclination, as well as his interest, to do any thing in favour of one nation, that may be a just ground of grievance to another: his intention, as I am credibly informed, being to leave all those matters of state, as well as of religion, to be entirely decided and settled in a British parliament."*

There is great plausibility in the reasonings of this writer; and the plan he proposes, had it been practicable, was certainly the best. That he was in the confidence of the ministry, and sure of the queen, is pretty obvious; but his assumptions with regard to both, are many of them gratuitous. James was unknown in England, nor was it at all likely that his presence would have had such a magic influence upon all that were opposed to him. These representations of his friends, however, filled with such bold averments of the change of public opinion in Britain with regard to him, and with such glowing anticipations with respect to the success of his cause, seem to have had a powerful effect upon James himself, and to have led him to entertain very sanguine hopes of being

* Stuart Papers, 1714.

called to the throne of his fathers in a way that suited better with his temper, which was by no means warlike, than by the strength of either French, Scottish, or Irish armies. We find him, accordingly, attempting to cajole the queen, and through her the British parliament, to alter the succession, as by law established in the house of Hanover. In pursuance of this plan, he, in the month of May this year, addressed to the queen the following remarkable letter :—

“ Madam, The violence and ambition of the enemies of our family, and of the monarchy, have too long kept at distance those who, by all the obligations of nature and duty, ought to be more firmly united ; and have hindered us from the proper means and endeavours of a better understanding between us, which could not fail to produce the most happy effects to ourselves, to our family, and to our bleeding country.

“ But, whatever the success may be, I have resolved now to break through all reserve, and to be the first in an endeavour so just and necessary. The natural affection I bear you, and that the king our father had for you till his last breath ; the consideration of our mutual interest, honour, and safety, and the duty I owe to God and my country, are the true motives that persuade me to write to you, and to do all that is possible for me to come to a perfect union with you.

“ And you may be assured, madam, that though I can never abandon, but with my life, my own just right, which you know is unalterably settled by the most fundamental laws of the land, yet I am most desirous rather to owe to you, than to any living, the recovery of it. It is for yourself that a work so just and glorious is reserved. The voice of God and nature calls you to it ; the promises you made to the king our father enjoin it ; the preservation of our family ; the preventing unnatural wars require it ; and the public good and welfare of our country recommend it to you, to rescue it from present and future evils ; which must, to the latest posterity, involve the nation in blood and confusion, till the succession be again settled in the right line.

“ I am satisfied, madam, that, if you will be guided by your own inclination, you will readily comply with so just and fair a proposal as to prefer your own brother, the last male

of our name, to the dutchess of Hanover, the remotest relation we have, whose friendship you have no reason to rely on, or be fond of; who will leave the government to foreigners of another language, of another interest; and who, by the general naturalization, may bring over crowds of her countrymen to supply the defect of her right, and enslave the nation.

"In the meantime, I assure you, madam, and am ready to give all the security that can be desired, that it is my unalterable resolution to make the law of the land the rule of my government, to preserve every man's right, liberty, and property, equally with the right of the crown; and to secure and maintain those of the church of England, in all their just rights and privileges, as by law established; and to grant such a toleration to dissenters as the parliament shall think fit.

"Your own good nature, madam, and your natural affection to a brother, from whom you never received any injury, cannot but incline your heart to do him justice; and, as it is in your power, I cannot doubt of your good inclinations. And I do here assure you, that in that case no reasonable terms of accommodation which you can desire for yourself, shall be refused by me. But as affairs of this moment cannot be so well transacted by letters, I must conjure you to send one over to me, fully instructed and empowered by you, or to give security for such a one from me; for by that way only, can things be adjusted to our mutual satisfaction, which shall be managed on our side with the utmost secrecy.

"I have made this first step towards our mutual happiness with a true brotherly affection, with the plainness and sincerity that becomes both our rank and relation, and in the most prudent manner I could at present contrive; and will be directed by you in the prosecution of it, relying entirely on your knowledge and experience, as to the means and instruments.

"And now, madam, as you tender your own honour and happiness, the preservation and re-establishment of our ancient royal family, the safety and welfare of a brave people, who are almost sinking under present weights, and have reason to fear greater; who have no reason to complain of me, and whom I must still, and do love as my own—I conjure you to

meet me in this friendly way of composing our difference, by which only we can hope for those good effects which will make us both happy, yourself more glorious than all the other parts of your life, and your memory dear to all posterity.”*

At the same time that he addressed the above to the queen, he transmitted orders to his friends in England to support, with all their influence, her present administration; and, that he might not be wanting in any probable mean of advancing his interest, wrote also the following explanation of his views with regard to religion:—“In answer to yours, I cannot, at this distance, and in my present circumstances, enter into disputes of religion; but those of the church of England have no reason to doubt of my favour and protection, after the early assurances I gave them in my instructions, bearing date the third of March, 1702, which you have seen, and I am resolved to make good. I knew my grandfather, and my father too had always a good opinion of the principles of the church of England relating to monarchy; and experience sufficiently sheweth, that the crown was never struck at but she felt the blow; and though some of her chief professors have failed in their duty, we must not measure the principles of a church by the actions of some particulars.

“Plain dealing is best in all things, especially in matters of religion; and, as I am resolved never to dissemble in religion, so I shall never tempt others to do it; and, as well as I am satisfied of the truth of my own religion, yet I shall never look worse upon any persons, because in this they chance to differ from me; nor shall I refuse, in due time and place, to hear what they have to say upon this subject. But they must not take it ill if I use the same liberty I allow to others to adhere to the religion, which I in my conscience think the best; and I may reasonably expect that liberty of conscience for myself which I deny to none.”*

What entertainment the queen gave to the above letter has never, so far as we know, been explained. That she had some inclinations towards her brother in his exiled and helpless condition can hardly be doubted; but when the narrow-

* *Stuart Papers*, 1711.

† *Ibid*.

ness of her intellect, and the timidity of her character is considered, the measures proposed were certainly too bold for her to adopt without much consideration, and a far more decisive manifestation of public feeling in favour of James than had yet been given. Nor do we find that this address, so remarkable for moderation, and which some of his warmest friends had so long solicited him in vain to emit, produced any sensible effect in his favour.

In the meantime, the ministry were pursuing diligently their pacific plans. Prior, the poet, had been sent to Paris in the month of July, and returned in the month of August, accompanied by Monsieur Mesnager and the Abbe Gualtier, with whom, notwithstanding the remonstrances of the emperor and the states, and a vehement memorial from the elector of Hanover, preliminaries of peace were signed in the month of September, and it was determined to open a general congress at Utrecht in the beginning of the ensuing year.* The parliament was opened on the 7th of December by a speech from the queen, in which she informed them, that, "notwithstanding the arts of those that delighted in war, the place and the time for treating of a general peace was appointed." She still, however, professed to hold the interests of the allies as inseparable from her own; and, as they had expressed the utmost confidence in her, she would do her utmost to procure them satisfaction. She, at the same time, professed great zeal for the protestant religion, and the liberties of the nation, and promised, on the return of peace, to pay a particular attention to the encouragement of trade.†

The commons re-echoed the speech in the most cordial manner, but the lords still continued refractory, and, after a long and keen debate, introduced a clause into the address, stating "their conviction, that no peace could be either safe or honourable for Great Britain, or for Europe, if Spain and the West Indies were allotted to any branch of the house of Bourbon."

The duke of Hamilton, who was now become a particular

* Macpherson's History of Great Britain, vol. iv. p. 234.

† Sommerville's History of Great Britain during the reign of Queen Anne, p. 449.

favourite with the queen, having, with a view to strengthen the tories in the upper house, where they were still in danger of being baffled by superior numbers, been created a peer of Great Britain, by the title of baron Dutton, in Cheshire, and duke of Brandon, in Suffolk, came forward this session and claimed his seat accordingly, which occasioned the most acrimonious opposition. Counsel was heard for the duke and for the queen, and though Queensberry had been already admitted into the house, (under a protest, indeed, by some lords,) in perfectly similar circumstances, and though the whole Scottish peers supported him, and the whole weight of court influence was thrown into his scale, the duke was rejected by a vote of the house, fifty-seven voting against, and fifty-two for him.* Against this decision a dissent was entered by the Scottish lords, December the twentieth, and they withdrew from the house. This procedure greatly alarmed the queen, and, on the seventeenth of January following, she sent a message to the lords, requesting their advice in settling this matter to the satisfaction of the kingdom. The lords, upon this, passed some resolutions, which, though, for the present, they produced no alteration with regard to admission into that house, pacified the Scottish lords so far that they returned to their stations.

Foiled in the attempt to strengthen their interest in the upper house, by the introduction of the duke of Hamilton as a British peer, the ministry had recourse to a yet bolder measure, that of creating twelve new peers in one day, the

* Douglas, eighth duke of Hamilton, and fifth duke of Brandon, having presented a petition to the king for a summons to parliament as duke of Brandon, his majesty ordered a reference to the house of lords, by whom, after hearing counsel, the opinion of the twelve judges was required. They unanimously agreed, 6th of June, 1782, that his grace was entitled to such summons, and that his majesty was not restrained by the 23d article of Union, from creating Scottish peers, peers of Great Britain. The house of lords therefore resolved, that his grace, Douglas, duke of Hamilton and Brandon, was entitled to be summoned to parliament. The same being reported to the king, his majesty, on the 11th of June, 1782, caused a summons to be issued accordingly, and his grace, as duke of Brandon, took his seat in the house of peers, of which his family had been for so many years deprived. —*Peerage of Scotland*, vol. i. pp. 723, 724.

thirty-first of December,* by which they were enabled effectually to overcome all opposition. Such a stretch of prerogative was not at all calculated to sooth the strong suspicions that were already entertained of their secret purposes; but though exclaimed against, as most extravagant, by reasonable, or moderate, men of all parties, as there was none of the twelve belonging to the Scottish peerage, it could not be pronounced illegal, and probably, considering the necessity of the case, the projectors of the measure thought this negative quality sufficient for their justification. It is a precedent, however, which no minister has yet arisen, and it is to be hoped, no one ever will arise bold enough to imitate. The British peerage is a very noble institution, and the house of peers forms a most august tribunal, and one that has been eminently useful in preserving to the nation those blessings which have been purchased with its best blood; but should the time ever come, when, to further party views and support prerogative, its members are multiplied by the dozen, its respectability must cease, and its utility become more than doubtful.

The duke of Queensberry, who was secretary of state for Scotland, and to whom the superintendence of Scottish affairs ever since the Union had principally been confided, being now dead, the duke of Argyle and the earl of Marr affected to have the disposal and management of all things relating to that country. The secretaryship, however, as there was no possibility of adjusting matters between the earls of Marr and Ilay, who both laid claim to it, was for the present allowed to lie dormant. The pretensions of these noblemen, Argyle and Marr, being strenuously urged on both sides, and there being no one that could hold the balance even between them, occasioned, in a short time, an entire alienation of affection, and the adoption of a course of conduct, which was in the

* The first question upon which these lords were called to vote was for an adjournment, which the whigs were anxious to prevent, when the lord Wharton, who was more remarkable for wit than for good morals, "treated them as a petty jury, and asked whether they proposed to vote individually, or to convey their decision by their foreman." *Coxe's Life of Marlborough*, vol. iii. p. 483.

end fatal to the family of the latter, and to the cause which in an evil hour he espoused.*

Like the session that preceded it, great part of this was spent in following out those plans that had been laid for criminating the late ministry, upon the successful issue of which, the stability of the present was evidently supposed, in a great measure, to depend; and the Scottish Jacobites, in the meantime, aided by the English tories, followed up their purposes against the church of Scotland, with a steady and fatal effect. Far from being satisfied with their triumph in the case of Mr. Greenshields, they had determined upon obtaining an ample toleration for the episcopalians in the former session, and had been diverted from their purpose, of which the ministry did not at that time approve, only by a promise from the queen, to lay it as an injunction upon her ministers to procure it for them in this, together with the restoration of patronages, which, by an act of the Scottish parliament in the reign of king William, had been taken away. So secretly too were their plans concerted, that, excepting a few of their confidential friends, the world knew nothing of any such design, till the motion for toleration was made in the house of commons, January twenty-first, 1712, where it was carried without almost any opposition, though to the premier Harley, now lord Oxford, it does not appear to have been at all palatable.† This bill, at the same time that it gave full freedom to the episcopalians in the exercise of their worship, with all its rites and ceremonies, withdrew the civil sanction from the decisions of the church of Scotland, thus robbing her, as Burnet remarks, of that "which in most places is looked on as the chief, if not the only strength of church power."‡

Though the Jacobites had not made their specific objects generally known to the public, there was abundant room for concluding, that their views upon, and their feelings towards the Scottish church, were of the most hostile description. The commission of the General Assembly, of course, despatched

* Lockhart Papers, vol. i. p. 334. † Ibid. vol. i. pp. 378, 379.

‡ History of his Own Times, vol. i. [fol. ed.] p. 594.

Messrs. William Carstares, Thomas Blackwall, and Robert Baillie, to London, to watch their progress, and take such measures as might appear to them proper for defeating such attempts, as they had reason to think would be made for breaking down the constitution of the church, and subjecting her to the will and power of a faction, which, from mistaken views of self-aggrandisement, had resolved upon sacrificing, at the shrine of indefeasible hereditary right, the civil as well as the religious liberties of their country.* The presence of this deputation in London, however, seems only to have marked more strongly the state of degradation into which the Scottish church had fallen. The utmost their petitions and protestations could obtain for them was a derisive hearing, followed with contemptuous neglect; and the sum of their exertions procured nothing more than the oath of abjuration, to be tacked to the toleration, which was made imperative upon the ministers of the established church, as well as upon those episcopalians who took the benefit of this new, and, as it was called, liberal regulation. Had this part of the bill been enforced, the whole would have been rendered nugatory, with regard to those for whom it was mainly intended; but the Jacobites well knew that no consistent presbyterian could take the oath, and they had sagacity enough to foresee the heart-burnings that would, in consequence thereof, take place among the members of the establishment, whence they naturally enough inferred the impossibility of enforcing it upon dissenters. As the projectors of the measure had foreseen, it very nearly occasioned a schism in the church of Scotland; but none of the Scottish episcopal clergymen, if we except one at Glasgow, ever took the oath, though they all took the benefit of the toleration.

* It ought here to be carefully noticed, that with the bustling Jacobites of this period, the simply tolerating religious opinions was entirely out of the question. Political power and influence was the sole object they had in view. Episcopalian chapels they wanted to open only that they might have it in their power to shut presbyterian churches: and they wanted to shut presbyterian churches, principally because they thought, and thought justly, that from them had, in a great measure, emanated the doctrines of the revolution, which they wished, by any means, or by all means, to destroy.

This act was speedily followed by another, restoring patronages, which had happily been abolished in the Scottish church; and much about the same time, the queen, to show her satisfaction with these good works, performed on behalf of the now suffering prelatie body in Scotland, bestowed the rents of the lands of the late bishops in North Britain, upon such of their clergy, as had conformed to the government.*

Having thus succeeded in again bringing the Scottish church under the intolerable yoke of patronage, destroying her discipline, and imposing upon her ministers an oath, guaranteeing the integrity of the episcopal church of England, it might have been supposed, that her enemies would have, for the present, been satisfied; but, to show their perfect pre-eminence, and how completely they had her in their power, they proceeded to repeal a law of Scotland, which forbade the courts of justice to be shut, on what are by episcopalians, called christmas holidays,† which days, it had always been a fixed, and a first principle with presbyterians, not to observe; and thus in the most direct manner, imposed a badge of inferiority upon the nation, both in her civil and ecclesiastic capacity.

That these acts were direct infringements of the treaty of Union, in which the entire freedom of the church, as it then stood, had been so specially provided for, does not admit of dispute, and their immediate object, not to speak of their evident tendency, was her total destruction. They were ebullitions of personal ungodliness, the strictness of presbyterian discipline, being a heavy yoke to the Scottish gentry, most of whom were episcopalians, and desperate efforts of that political perversity which had embroiled the nation, from the first dawning of the reformation. They have, however, been pretty generally applauded, as flowing from an enlightened

* Sommerville's History of Great Britain, during the reign of Queen Anne, p. 472.

† Upon the third reading of the bill for repealing this law, Sir David Dalrymple said, "Since the house is determined to make no alteration on the body of this bill, I acquiesce, and only desire it may be entitled, a bill for encouraging Jacobitism and immorality," which would indeed, have been its most appropriate title.

and liberal policy; and the charges of bigotry and intolerance, have been preferred against the church of Scotland, for that opposition, feeble indeed it was, which she made to them, by writers, who either were, or ought to have been better informed upon the subject. The framers and the supporters of these measures, so far from being men of liberal views, and tender of the rights of conscience, were the veriest bigots ever intrusted with the powers of legislation; and at the very time, when, under the pretence of relieving conscience, they were paving the way for restoring the reign of tyranny, civil and religious, in Scotland, they were doing the same thing in England, by imposing new and unheard of restraints upon the exercise of that sacred principle. They passed "An act for preserving the protestant religion, by better securing the church, and for confirming the toleration granted to protestant dissenters, by the act exempting them from the penalties of certain laws, and for supplying the defects thereof," &c. &c.; an act, the whole tenor and spirit of which, are, a flat contradiction to its professed purpose; an act which has ever since been a dead weight upon religious liberty in England, and even in our own day, if we mistake not, has given occasion for acts of gross oppression. As their schemes were more matured, they advanced to more bold and more effective expedients, and two years after this, passed "An act, to prevent the growth of schism," which a historian, not remarkable for free speaking, characterizes, as "the most violent infringement upon liberty of conscience, recorded in the annals of parliament."* The object of this act, like all of the same kind, that had gone before it, was, not only to retrench the political influence of the dissenters, by giving more certain effect to the laws that had already been framed for that purpose, but at once to extinguish their principles, by rendering them incapable of taking any active part in the education of youth.

It was to no purpose to object to this bill, its barbarity, in interfering with one of the first principles of nature, the right of parents to educate their own children; its cruelty, in de-

* Sommerville's History of Great Britain during the reign of Queen Anne, p. 560.

priving many respectable individuals of the only means of subsistence; and its wickedness and absurdity, as tending to the spread of ignorance and irreligion, protestant dissenters, being, in many places, not only the most successful, but the alone teachers of youth. This was indeed, what constituted their offence. They had multiplied schools, and by their sobriety and diligence, while they were active in diffusing the principles of general knowledge, recommended to the world those more free and philosophic views and principles by which they were actuated. These views and principles, have, in every age, and in every country where they have appeared, been the terror of ignorant and corrupt governors; and to the friends of high church and James, they were at this time peculiarly obnoxious. Every nerve was therefore strained to carry a measure which had so great an object, as their suppression in view, and the results of which, were considered so promising. The more rigorous clauses were opposed in the cabinet by lord Oxford, and on the day of its final decision, he absented himself from the house; but it was carried in the house of commons, by two hundred and thirty-seven voices, against one hundred and twenty-six. In the house of lords, it had only a majority of eight.* On the day fixed for its commencement, however, the queen died, its execution was suspended, and it remained a dead letter on the statute book, till the year 1718, when it was repealed. The Scottish acts, have not to this day, except very partially, and in some minor points, been repealed; but in the progress of our history, though they originated in bigotry and ignorance of the worst kind, we shall find that they have some of them at least, so far from answering their original intention, promoted in a high degree, the best interests of liberty and religion.

The men who projected these measures, as well as those who principally supported them, were all known Jacobites. The bill for preventing the growth of schism, was brought in by Sir William Windham, and specially supported by secretary Bromley; and Lockhart of Carnwath, claims the

* *Memoirs of Queen Anne, &c. &c.* p. 297. *Sommerville's History of Great Britain, &c.* p. 561.

honour of being the prime agent in all those measures, that have so materially affected the church of Scotland, for which his avowed motive was, to discredit the Union, and to render it so intolerable to the Scottish people in general, that they might be willing to run all hazards, even to the length of restoring the Stuarts, in order to have it dissolved*. They had also the address, even previously to these legal and orderly advances towards their object, to have a gratuity bestowed upon the clans, and, under the pretence of rendering them serviceable to the queen, having them trained to the use of arms, of which great quantities were clandestinely carried into the Highlands, and cautiously distributed among those only, who were known to be enemies to the religion and liberties of the country.†

Finding the labours of their deputation to London fruitless, or rather productive of additional mischief—for the abjuration attached to the toleration bill was ascribed by the Jacobites,

* “As my chief, my only design, by engaging in public affairs, was to serve the king, so far as I was capable, I had that always primarily in my view; and at the same time, I was very desirous, when a proper occasion happened, that the Scots nation should have the honour of appearing as unanimously as possible for him; and in order to prepare those, who, I knew, would not assist the king, out of a principle of loyalty, (I mean the west country presbyterians,) for receiving impressions, that might prevail with them on other topics, I had, in concert with Dr. Abercromby, been at a good deal of pains, to publish and disperse amongst these people, papers which gave from time to time, full accounts of what were likely to be the consequences of the Union, and showed how impossible it was for the Scots to subsist under it. And I pressed the toleration and patronage acts more earnestly, that I thought the presbyterian clergy, would be from thence convinced, that the establishment of their kirk, would in time be overturned, as it was obvious, that the security thereof, was not so thoroughly established by the Union, as they imagined; and I believed this affair of the malt tax, as it touched every man’s copyhold, and was a general grievance, would be the best handle to inflame and keep up the spirit and resentment of the Scots against the Union, the effects whereof, (from the disposition that I observed of the people, towards the king, about the time of the designed invasion, 1708, which in many, was then chiefly occasioned by their fresh indignation at the Union, though the same began now to cool, which is commonly the fate of all reduced, and accustomed to slavery,) I did conclude, would certainly tend to advance the king’s interest.” Lockhart Papers, vol. i. pp. 417, 418.

† Rac’s History of the Rebellion, p. 40.

who could not take it, to the officious intermeddling of Mr. Carstairs, and the recognition of "the lords spiritual," in their petition to the peers, gave great offence to some of the severer presbyterians—the commission of the general assembly, agreed, on their meeting at Edinburgh, in the month of March, immediately after the passing of the bill, as the last resource, to address the queen for relief, which they did in manner following:—"May it please your majesty. Upon notice we had of a bill depending in parliament, intituled, *A bill to prevent the disturbing of those of the episcopal communion in Scotland, in the exercise of their religious worship, and in the use of the liturgy of the church of England*; we in all humility, presumed to address your majesty, for the preservation of our present establishment, as secured to us by law, and for preventing the inconveniences that might ensue on the foresaid toleration, at the passing whereof thereafter, in both houses of parliament, we cannot but be deeply affected.

"But now that by the foresaid bill, the oath of abjuration, enacted for the better security of your majesty's person and government, and the establishment of the succession to the crown in the protestant line, is appointed to be taken by all ministers, we do, in most humble duty, truly and sincerely own and acknowledge, that your majesty is lawful and rightful queen of this realm, and of all your other dominions and countries thereunto belonging: and do solemnly and sincerely declare, that we do believe the person pretended to be the prince of Wales, during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king of *England*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, or any other of the dominions thereunto belonging; and we do most heartily renounce and refuse any allegiance or obedience to him; and we withal, solemnly and sincerely profess, that we will bear faith and true allegiance to your majesty, in all duties and occasions whatsomever, that can be incumbent on us. And further, we do faithfully promise to the utmost of our power to support, maintain, and defend the succession of the crown in the protestant line against the said

pretender, and all other persons whatsoever, understanding the foresaid oath of abjuration in the fullest sense wherein it can be understood, to renounce and disclaim any right that the said pretender can claim to your foresaid dominions; and, in the plain sense of the words, in so far as the said oath, and the acts to which it refers, settles and entails the succession of the crown of these dominions, for default of issue of your majesty, on the princess *Sophia*, electress dutchess dowager of *Hanover*, and the *heirs* of her body being protestants.

“ But seeing we cannot dissemble with your majesty, that there remains a scruple with many, as if the conditions mentioned in the acts of parliament, establishing the succession, referred to by the said oath, were to be understood as a part thereof, and that to swear to something in these conditions, seems not consistent with our known principles. And that it is expressly declared and statuted, by the treaty and articles of Union, and the acts of parliament of both kingdoms ratifying the same, that none of the subjects of *Scotland* shall be liable to, but all and every one of them for ever free, of any oath, test, or subscription, within *Scotland*, contrary to, or inconsistent with our present presbyterian church establishment; we, in the most humble and dutiful manner, most earnestly beseech and obtest, that this, our address and representation, and most sincere declarations therein contained, may be graciously accepted by your majesty, without respect to the foresaid conditions scrupled at, as the just and true signification of our allegiance and duty, and our sense of the foresaid oath and engagement, to prevent all mistakes and misrepresentations that possibly we may be liable to in this matter.” &c. &c.*

Much has been said of the rebellious genius, and the intractable spirit of presbytery. This address, however, will, we should suppose, appear to men of all parties sufficiently submissive. Unfortunately too, the addressers could derive no benefit from it, but by the queen assuming that dispensing power, the exercise of which had been one of the most aggra-

* Printed Acts of Assembly, 1712.

vated charges against king James; and to ask that which her majesty could not legally grant, was, to speak in the softest terms, in the church of Scotland highly unbecoming. At the same time, her majesty seems to have been willing to gratify them as far as was in her power. The withdrawing of the civil sanction from ecclesiastical censures, had filled the hearts of all good men with fearful apprehensions of—what, were it possible to alter instantaneously national feelings, and national habits, by positive laws, would most certainly have been the immediate consequence—an overwhelming flood of immorality,* and, on the meeting of the General Assembly, May the first, 1712, in her letter by the commissioner, John, duke of Athol, keeping her eye on this very subject, she thus soothingly addresses them:—"It hath always been our concern to employ our authority for suppressing vice and immorality, and we assure you, that such magistrates as shall be most faithful in executing the laws and conforming themselves to our royal pleasure, signified in our proclamations, in punishing all such practices as are a scandal to the christian profession, shall have most of our countenance and favour. Lest any late occurrences may have possessed some of you with fears and jealousies, we take this solemn occasion to assure you, it is our firm purpose to maintain the church of *Scotland* as established by law; and whatever ease is given to those who differ from you in points, that are not essential, we will, however, employ our utmost care to protect you from all insults, and redress your just complaints." The assembly, in return, observe, "It is a satisfaction to us that your majesty is pleased to assure us, that such magistrates, as shall be most faithful in executing the laws against those practices which are a scandal to the christian pro-

* The advantages flowing from moral and religious habits, and the mischievous tendency of bad laws, were, perhaps, never more fully manifested than in Scotland by these measures. Awed by moral and religious feeling, patrons, for a number of years, took little interest in the settlement of parishes, and it was long before candidates were found profligate enough to acknowledge them. Had it not been for the shameless conduct of ministerial candidates, patronage might have to this day remained a dead inoffensive letter. Magistrates too, continued to act as formerly, notwithstanding the new law, and it was comparatively long before the church of Scotland knew how much, by these acts, she had been shorn of her strength.

cession, shall have most of your majesty's countenance and favour; and we humbly presume to persuade ourselves, that your majesty will, in your royal wisdom, find out such methods as shall be most proper for making your pious purposes, expressed in your royal proclamations, more effectual than hitherto, to our deep regret, they have been.

"The late occurrences, which your majesty is pleased to take notice of, have, we must acknowledge, possessed us with fears and jealousies: but as we have always embraced, and do at present lay hold upon the assurance your majesty is pleased to give us, of your firm purpose to maintain the church of *Scotland*, as established by law, so we cannot, but with all dutiful submission, and in that truth and ingenuity that becomes the faithful ministers and servants of our Lord Jesus Christ, put your majesty in mind of the representations and petitions laid before you by the commission of the last General Assembly, for a remedy in these matters; humbly hoping that our most just complaints may come in due time and manner to be redressed."*

The measures pursued by this assembly, however, were not calculated for obtaining any thing like a speedy redress of their grievances. Instead of intrenching themselves behind that legal constitution, which had so lately been declared unalterable; laying open the absurdity and contradiction of the oath itself, with its consequent sinfulness; discharging all under their inspection, from discrediting their principles, and debauching their consciences by having any thing to do with it, and, with the spirit of ancient confessors, boldly saying, we are not careful, O queen, to answer thee in this matter, they contented themselves with simply approving the representations of the commission, which they ordered to be engrossed in their books, made a similar protestation of loyalty, and, after supplicating, in the same words, for a dispensation for such of their brethren as might find themselves under the necessity of refusing it, proceeded to "most seriously obtest all the ministers and members of this church, whatever may happen to be their different practice, to entertain a good understanding herein,

* Printed Acts of Assembly, 1712.

in all mutual forbearance, firmly hoping, through the grace of God, that if they continue in the same good mind, seeking and serving the Lord in sincerity, and bearing with one another in mutual love and charity, our gracious God will extricate us out of all these difficulties." They also "instructed and empowered their commission, to advert carefully to all good opportunities, and to use all proper and dutiful means and methods, whereby these our grievances may be redressed;" but a paper, proposing some means to be used for that end, drawn up by Mr. John Hepburn, minister of the parish of Urr, and a number of the societies in the south and south-west adhering to him, was rejected without so much as a hearing.*

There appears to have been a great neglect of the ordinance of the Lord's Supper in the church of Scotland at this period; and this assembly passed an act, ordering its dispensation in every parish at least once a year. The assembly further renewed their injunctions with regard to the society for propagating christian knowledge in the Highlands and Islands, and had the satisfaction of learning, from a committee of that society, that they had already agreed to set up eleven schools, beside the catechist or schoolmaster established at St. Kilda, viz. one at Abertarf, one in Castletown of Braemar, a third in Auchintoul, these last both in the Highlands of Aberdeen, a fourth in the parish of Larg, in Sutherland, a fifth in the parish of Durness, in Strathnaver, a sixth in Erlish, in the presbytery of Skye, an eighth in Glenelg, a ninth in Harray, Orkney, a tenth in the Island of Sandy, in the north Isles there, and the eleventh in Zetland; and it was added, that for all these they had found young men duly attested, and upon suitable trial sufficiently qualified. Another act was also passed, in favour of students having the Irish or Erse language, in order that there might be an abundant supply of instruments for the propagating the light of divine truth in that benighted portion of the country; and the assembly was concluded with a "recommendation to all synods, presbyteries, and kirk sessions to be much in prayer for direction to the ministers and judicatories of this church, and that God would

* Humble Pleadings, &c. &c.

preserve what he has wrought for us, and to return thanks to God for bringing this assembly to so comfortable a conclusion.”*

The assembly having thus left the oath of abjuration to be taken or not, according to the discretion of individuals, it became a grievous snare to the church of Scotland. Many ministers absolutely refused it; and many members declined all communion with those who took it. Many of those, too, who took it, took it with explanations, which went to render their taking it of no utility, and made them objects of pity to their nonjuring brethren, and of contempt to their enemies the Jacobites, who were watchful spectators of their conduct, and did not fail to represent it in the most odious light.†

* Index to unprinted Acts of Assembly, 1712.

† The following is a copy of the oath:—“ I A. B. do truly and sincerely acknowledge, profess, testify, and declare, in my conscience, before God and the world, that our sovereign lady, queen Anne, is lawful and rightful queen of this realm, and of all other her majesty’s dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe, in my conscience, the person pretended to be prince of Wales, during the life of the late king James, and since his decease pretending to be, and taking upon himself the style and title of king of England, by the name of James the third, or of Scotland, by the name of James the eighth, or the style and title of king of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging. And I do renounce, refuse, and abjure any allegiance, or obedience to him. And I do swear that I will bear faith and true allegiance to her majesty, queen Anne, and her will defend to the utmost of my power, against traitorous conspiracies and attempts whatsoever which shall be made against her person, crown, and dignity. And I will do my utmost endeavour to disclose and make known to her majesty and her successors all treasons and traitorous conspiracies which I shall know to be against her, or any of them. And I do faithfully promise to the utmost of my power, to support, maintain, and defend the succession of the crown against him, the said James, and all other persons whatsoever, as the same is and stands settled by an act entituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown to her present majesty, and the heirs of her body being protestants*; and as the same by another act entituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands settled and entailed, after the decease of her majesty, and for default of issue of her majesty, to the princess *Sophia*, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and

These latter had also the craft to raise an opinion which was widely spread, and readily reported by some of the jurant presbyterians, to bring discredit upon their nonjuring brethren, that the scruples they had against the oath were raised by

according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition and promise, heartily, willingly, and truly, upon the true faith of a christian. *So help me God.*"

The following is the declaration, which was made at taking the oath, by the synod of Dumfries, and it may be presumed that explanations made in other places would be of a similar tendency :—" We, the ministers of the established church of Scotland, in the synod of Dumfries and sheriffdom thereof, undersubscribing, are come hither to take the oath of abjuration, required of us by authority; which the act of security, for our church government, obliges us to understand only in a sense that is not any way contrary unto, or inconsistent with the true protestant religion, presbyterian church government, worship, and discipline, established by the said act, conform to an address from this church to her majesty, graciously received by her: and, therefore, we do declare, that we take it only in the said sense; and that we reckon ourselves nowise obliged, from any thing in this oath, to approve of, or support the hierarchy, or ceremonies of the church of England, or any thing contrary to the said presbyterian church government, worship, and discipline. The which declaration we conceive to be agreeable to the true meaning of the words of the oath: and, therefore, crave the same to be recorded in the justices of the peace of the said sheriffdom their books, as the only sense wherein we take the said oath. Signed at Dumfries," &c. &c.*

The following account of the matter, by Lockhart of Carnwath, has a good deal of bitterness, but, we are afraid, at the same time, a great deal of truth.

" It is also well worth remarking, that such of the presbyterian brethren as, in compliance with this law, became jurors, acted as odd a part, in the way and manner of their taking, as Mr. Carstairs did in obtaining the oath of abjuration; for, as a great many, especially in and near to Edinburgh, would not by non-compliance run the hazard of incurring the penalties in the act contained, they were at the same time very solicitous to retain their reputation with the populace, and, in order thereto, framed an explanation, containing the sense in which they took the said oath, viz. in so far as it was consistent with their known principles, and no further. After the brethren of the presbytery of Edinburgh, and I was told they followed the same method in most other places, had sworn and signed the oath, which to them was administered by a full meeting of the justices of peace, they retired to a corner of the court, where Mr. Carstairs repeated, or rather whispered, over the aforesaid explanation, in his own and his brethren's names, and thereupon he took instruments in the hands of a public notary, brought thither by him for that effect.

the Jesuits, for no other purpose but to create dissension; and this silly surmise had, in several instances, a more mischievous tendency, and tended to create disgust and disaffection, in a higher degree than even the oath itself. Upon the whole, however, the effect of these measures was far different from what their projectors anticipated, and, instead of forwarding the views of the Jacobites, were the principal means of blasting them for ever.

Under the leading of Sacheverel, and the excitement of Oxford and Bolingbroke, the clergy of England had been brought to preach little else than the doctrine of indefeasible hereditary right; the irresistible power of princes, with the necessity of a constant succession of diocesan bishops; of all ecclesiastical administrations by priests episcopally ordained; of auricular confession to them, absolution from them, and of

This Jesuitical way of doing business, though it served as a pretext to justify them to some poor silly people, exposed them much to the censure of all sober thinking persons, it being evident from hence, that, though they roared out against the mental reservations of the church of Rome, they could do the very same thing themselves when it served their turns. It proved that either they were scrub theologists, or men of no conscience; for, seeing all divines and lawyers agree in maintaining that all oaths are taken and binding in the sense and terms of the lawgiver imposing the same, any explanation contrary to the plain literal meaning of the words, and without the approbation of the lawgiver, hath no manner of import whatever. And, moreover, the explanation was not made publicly and adhered to in the face of the court, and at the time of swearing the oath, so as to stand on record; though, by the bye, the justices had no power to consent to and receive the same, being no further authorized and required, than to put the laws in execution, by administering the oath in the terms of the act imposing the same. It is, therefore, evident, I say, that this explanation was altogether illegal and unwarrantable, a downright juggling with God and man, and a precedent for admitting the greatest cheats, and performing the greatest villanies, for by the same rule, why might they not abjure Christianity and profess Mahometism, provided they secretly declared to be so only so far as consisted with their principles? And why might they not falsely swear away any man's life and fortune, provided they privately declared that their oath was to be understood as probative, in so far only as it consisted with truth? But the baseness and bad consequences of such principles and practices are so conspicuous, and so detested by all men of honour and conscience, there is no need of enlarging further, the bare recital of the fact, to which I was an eye-witness, being more than enough to create in such a just abhorrence of it, and all who act after that manner." Lockhart Papers, vol. i. pp. 384, 385.

propitiatory sacrifices offered up by them, so that the poor people, ignorant at best, were every day becoming more so, and, careless of either civil or religious interests, were hasting to have their necks again enwreathed in the iron yokes of tyranny and superstition. So far, however, were the ministers of the Scottish establishment from imitating so pernicious an example, that they, for the most part, pursued exactly an opposite course; and from the inroads made upon the liberty of the church, took occasion to vindicate her institutions, to expose those false principles which guided her enemies; and to point out the doleful consequences that behoved to follow the completion of those superstructures, that were attempting to be founded upon her ruins.*

At the same time, it must be admitted, that the labours of the well affected part of the church of Scotland, were greatly counteracted by the zeal of their opponents. Assuring themselves that they had now the favour of the government, the disaffected of every class displayed peculiar activity, and Romish priests, under the patronage of the Jacobite nobility and gentry, swarmed in almost all parts of the country, particularly in the north, in the islands, about Aberdeen, and in the south, where Jacobitism was more prevalent than in the middle and western districts. These, under the protection of the chiefs of the faction, were so bold as to go about all the parts of their religion; and they were so successful as to subvert whole parishes, and retain even considerable districts in Romish darkness. This was particularly the case in Lochaber, Glengarry, Moydart, Arisaig, and the Island of Skye, where the light of protestantism had been but partially diffused, during the brightest periods of the reformation. A popish bishop of the name of Bruce, had even the confidence to fix his residence openly in Perthshire, where he lived in great splendour, sent forth emissaries in every direction, and performed the duties of his office as freely and formally as if he had had public authority for so doing. The people, at the same time, resorted to their idolatrous places of worship in the same manner as if they had been parish churches. In

* Rae's History of the Rebellion, pp. 36—38.

these they published banna, celebrated marriages, baptisms, and masses; and for their support schools were established, and the more promising youth sent beyond seas, to be prepared at foreign seminaries for supporting, and diffusing more abundantly over the country, the kingdom of darkness.

This zeal on the part of the papists, was warmly seconded by the Scottish episcopal clergy, who, for profanity of conduct, and heterodoxy of doctrine, for the most part came, at this time, very little, if any thing short of those of Rome; and they possessed some advantages for poisoning the public mind, which the others did not. These advantages they were very careful to improve. They had the name of protestant, and employed themselves assiduously to persuade the people, that the pretender might turn protestant—nay, many of them affirmed that he was protestant already. “And what a pity,” they exclaimed, “that the lineal heir of our crown should be obliged to wander in foreign parts, while a family so remote as that of Hanover, not within the ninth degree of blood to queen Anne, should be brought in to reign over us.” They were also at immense pains to fabricate and to spread the most foolish, and false, and calumnious reports of the protestant successor; affirming that he communicated thrice a year with the Romish church, and so was popish as well as the pretender—which, had he done so, no reasonable man would have doubted—and still worse, he was also a pagan, and sacrificed to the devil, with many other unworthy but ridiculous things, which, though no man of common sense could believe, yet among the unthinking vulgar, who were not aware of the design, brought a certain degree of contempt upon his character, and had their own weight, even with many, who, it might have been presumed, would have been superior to such vulgar influence.*

Participating strongly in that general feeling of insult and indignity that prevailed through the country, the old dissenters under Messrs. John Mackmillan and John Macneil, felt themselves now called upon to make a still more decided appearance against what they supposed the defections of the

* Rae's History of the Rebellion, p. 14.

time than they had hitherto done; and, for this purpose, they resolved upon a solemn renewal of the national covenants. Great pains were accordingly taken throughout the various societies, belonging to the general correspondence, to have every member properly enlightened upon the subject, and to bring them cordially and universally to join in an act, which, whether as it regarded the cause of truth and holiness, their own exoneration, or the best interests of present and future generations, they considered as of the last importance. Draughts of an acknowledgment of sins, and an engagement to duties were prepared, and, at various meetings of committees, carefully corrected; conferences were held for reconciling all differences and disagreements, existing between the societies themselves, or between individual members of the societies, and on the twenty-sixth of May, 1712, the general meeting at Crawford John approved of all these previous preparations, and finding it to be the mind of the greater part of the societies, "that the work of renewing the covenants shall presently be fallen about," proceeded to appoint the time and place for its performance. Accordingly, after days of fasting had been observed, more privately by the several societies, and more publicly by congregations assembled in the fields, they met at Auchinsaugh, near Douglas, in one great body, on Wednesday the twenty-third of July, 1712, when Mr. Mackmillan "began the work with prayer, for special assistance to attain due preparation for, and a suitable frame throughout the whole solemnity." After giving a prefatory exhortation, Mr. Mackmillan was followed by Mr. Macniel, with a sermon suitable to the occasion, which being closed with prayer, the covenants were read, and thereafter the acknowledgment of sins, the general heads of which were summed up in an extempore prayer; psalms were then sung, and the congregation was dismissed with a reproof from Mr. Mackmillan, "for their unconcerned carriage and behaviour during the reading of the acknowledgment of the breaches of these covenants."*

On Thursday, July 24th, after a sermon by Mr. Mackmillan,

* Conclusions of the General Meeting, MS. in the possession of the Reformed Presbyterian Synod.

the acknowledgment of sins was again read, and all such as were guilty of any such public steps of defection as are confessed therein, admonished "to make full and free confession thereof, before the congregation, with such a due sense of, and sorrow for these public sins, as might evidence a hearty design of abandoning them." Of this, the minister himself set an example, and was followed by many others. The "engagement to duties was also read in the audience of the congregation, where it was showed, that the design of these engagements was to accommodate the covenants to our case and circumstances."*

* *The following is the engagement to duties come under by the Covenanters at Auchincaugh, 1712 :—*

Because it is requisite, in order to obtain mercy, not only to confess, but also to forsake our sins, and to do the contrary duties; therefore, that the sincerity and reality of our repentance may appear, we resolve, and solemnly engage before God, in the strength, and through the assistance of Christ, that we shall carefully endeavour, in all time coming, to avoid all these offences, whereof we have now made solemn public acknowledgment, and all the snares and temptations tending thereunto; and to testify this sincerity of our resolution, and that we may be the better enabled, in the power of the Lord's might, to perform the same, we do again renew our covenants, both national and solemn league, promising to make conscience of a more exact performance of all the duties therein contained, so far as we in our stations, and present deplorable circumstances, are capable, particularly such as follow :

Because religion is of all things the most excellent and precious in its own nature, and therefore most to be desired by the children of men, and the knowledge of the great truths of the gospel, so generally decreased in this land, is so absolutely necessary to salvation; therefore, in order to attain it, we shall labour to be better acquainted with the written word of God, the only infallible rule of faith and manners; and shall (according to our capacity) study more than formerly, the doctrine of the reformed church of Scotland, summed up in our Confession of Faith, Catechisms, Larger and Shorter, Sum of Christian Doctrine, and Practical use of saving Knowledge, Directory for Worship, (as the same was received and observed by this church in her purest times, viz. in the year 1649,) Propositions concerning Church Government and ordination of Ministers, annexed to the Confession of Faith, and other writings, clearing and confirming these truths, approved by this church, and agreeable to the word of God.

We shall likewise endeavour the advancing and promoting the power of this true reformed religion, against all ungodliness and profanity, and the securing and preserving the purity thereof, against all kind of error, heresy, and schism, as namely, Independency, Brownism, Anabaptism, Antinomianism, Arminianism, Socinianism, Libertinism, Familism, Scepticism, Quakerism, Deism, Burignionism, and Erastianism; and as we declare, that we willingly agree in

Having again “prayed for the gracious presence and assistance of the Divine Spirit, the minister proceeded to the administration of the oath, causing the people to stand up, and to elevate their hands at the end of each article.” After suitable exhortations, the congregation was dismissed in the usual form.

our consciences unto the doctrine of the church of Scotland, in all points, as unto God’s undoubted truth and verity, grounded only upon his written word, so we resolve constantly to adhere unto, maintain and defend, profess and confess, and (when called of God) to yield ourselves sufferers for the said doctrine, as we shall desire to be approven and confessed by Jesus Christ, before God and his holy angels. 2dly, We shall also study more sincerity, uprightness, and heart-integrity in the worship of God, and shall not satisfy ourselves with the form of it, without the power and spirituality, which God, the alone object of religious worship, doth require; and shall endeavour the due performance of all the duties of religious worship, which God hath in his most holy word required; and shall (if providence offer occasion) endeavour to recover, and labour to preserve the purity thereof, from all corruptions, mixtures, innovations, and inventions of men, popish, prelatical, or any others; and while we are not able, by reason of the prevailing power of the abettors and maintainers of them, to get them removed, we shall labour (through grace) to keep ourselves free from all sinful communion, and participation with them, and shall in our stations testify against these corruptions and perversions of God’s worship, by all competent means. 3dly, We shall likewise, by all lawful means, endeavour, that presbyterian church government, in kirk sessions, presbyteries, synods, and general assemblies, may be recovered in its former purity, established upon its proper basis and foundation, the word of God; and that it may be freed from all encroachments and invasions made thereupon, by the powers of the earth; and that the discipline of the church, may be impartially exercised against all scandalous offenders, great or small; and when the ministers of this church, or any of them, shall sincerely and conscientiously endeavour the restoration of the government, in all its privileges, and freedom from all erastian encroachments, and to have the discipline, duly and impartially exercised, then we promise to be obedient, and subject thereunto as becomes the flock of Christ, but shall always testify our dislike of all encroachments, made and yielded to, prejudicial to the privileges which Christ hath bestowed upon his church.

4thly, We shall always desire and pray for the reviving of the work of uniformity in the three kingdoms, and (if the Lord in his providence shall offer opportunity) shall seek and endeavour it by other means, possible, lawful, expedient, and competent to us in our capacities; and shall never cordially consent unto, nor cease to testify against whatsoever doth obstruct and hinder that work of uniformity; and shall detest and abhor all multiformity, introduced by erastianism, prelacy, and sectarianism, now so prevalent, and confirmed by this late Union with England.

According to the 2nd Article, we shall do our utmost endeavour to have

This transaction, as might naturally have been expected, excited much speculation at the time, and has been the subject of no little controversy, even among the friends of covenanting, since. It seems, however, to have been followed up by the

the land purged of popish idolatry, and the monuments thereof destroyed, particularly the abomination of the mass, and so far as lies in our power, shall never suffer the same to be re-introduced, or erected again, nor favour any attempts tending thereunto. We shall never make any conjunction with these abominable popish idolaters, at home or abroad, in armies or otherwise, and shall, according to our national covenant, detest and abhor all their wicked, superstitious rites and ceremonies. We shall never consent, for any reason whatsoever, that the penal statutes made against papists should be annulled; but shall, when opportunity offers, be ready to concur in putting them to a due and vigorous execution. 2dly, We shall by all approved means, in our stations and vocations, endeavour the extirpation of prelacy, and shall never submit to that wicked hierarchy of bishops, archbishops, &c. having superiority of order and jurisdiction, above preaching presbyters, whether erastian or only diocesan, in any form or degree, howsoever reformed, accommodated, limited, or restricted, by cautions and provisions of men, seeing that all such superiority is flatly condemned in the word of God, and hath proven many times fatal to the church of Christ. We shall detest and abhor, and in our stations witness against whatsoever courses, tending to the establishment of that abominable hierarchy, and particularly, the oaths of allegiance, with the assurance, and oath of abjuration, lately imposed on the persons of public trust in these realms, in regard they may justly be interpreted, to strengthen that hierarchy, by upholding the persons that maintain the same. We shall not submit to any orders issued forth by bishops, nor own them as our lawgivers, nor acknowledge any title they have to be members of parliament or council. 3dly, We shall, in like manner, detest and abhor, and labour to extirpate all kinds of superstition, all rites and ceremonies, superadded by human invention to the worship of God, not enjoined and required in his word, together with all heresy and false doctrine, and all profaneness and immoralities of every kind, and whatsoever is contrary to sound religion, and shall, in the strength, and through the help of Christ, endeavour to deny all ungodliness and worldly lusts, and from henceforth, to live righteously towards our neighbour, soberly in ourselves, and to walk humbly with our God.

We shall, upon the one hand, endeavour to keep ourselves, as far as we can, from all partaking in other men's sins, by consenting unto, association, incorporation, combination, compliance with, or conniving at their sins, and upon the other, to guard against all schism, and sinful separation, or unjust, rash, and disorderly withdrawing from societies, congregations, or families, or any part of the communion of the true reformed church of Scotland, holding purely and entirely the doctrine, worship, discipline, and government of the same, in principle and exercise, according to the rules of Christ, and standing

societies with great zeal; for, at a general meeting, held at Crawfordjohn in the succeeding November, we find the following conclusions agreed to:—1st, That such, in each correspondence, as have not subscribed the covenants, do appoint, in

acts and constitutions of this church, consonant thereunto, as far as the Lord gives light therein. And as we look not upon our practice, in withdrawing from the backslidden ministers of the present erastian church, for reasons valid and sufficient, to be a gathering and setting up formed separated churches, under other ordinances and ministry, distinct from the presbyterian church of Scotland (although we be falsely aspersed as doing it), so we purpose and resolve, always to adhere to that standard of doctrine, discipline, and government, and that purity and form of worship, which, during our reforming times, were established, and to embrace such ordinances, and such a ministry, as are of divine appointment, and that we shall not presume to withdraw from minister or member of that body, for any offence, in any case, where either the offence may be legally removed, without withdrawing, or cannot be instructed to be condemned by the word of God, and constitutions of this church, or is in itself an insufficient ground of withdrawing, or where it is not defended, or obstinately persisted in, or is a thing to be condescended upon, forborne, or forgiven, but shall study to maintain union and christian communion with all, and every one, whether minister or private christian, who adheres unto the purity of the doctrine, worship, discipline, and government of the church of Scotland, and to the whole word of Christ's patience, in the sufferings and contendings of his people, in opposition to his enemies' encroachments, and shall join in the way of truth and duty, with all who do, and in so far as they do adhere to the institutions of Christ. And because many have laboured to supplant the liberties of the true kirk, and have, in a great measure, of late, by indulgencies and toleration, and now by oaths of allegiance and abjuration, and encroaching on the freedom of Christ's courts, obtained their design; we shall therefore, to our power, withstand and witness against all these encroachments, made upon the liberties of Christ's church in our land, and when we can do no more, shall withdraw our countenance and concurrence from such as hold their freedom from, and are modified by such usurpations, and shall neither hear their sermons, nor pay them stipends, while they continue unfaithful; and shall, whenever God gives us opportunity, endeavour to recover, and when recovered, to maintain and defend the liberties and privileges of the church of Scotland, against all who shall oppose and undermine the same, or encroach thereupon, under any pretext whatsoever.

With reference to the 3d article, wherein we are bound to defend the privileges of the parliament, liberties of the kingdoms, and the king's majesty's person and authority, in the defence of the true reformed religion; albeit God, in his righteous judgment, hath left the nation so far to the counsels of their own hearts, as to suffer them to set up magistrates, wanting the qualifications requisite, and to fill places of power and trust, with insufficient and disaffected persons, who have no respect to the interests of religion, and this

their bounds, a day for prayer, and thereafter, to write down their names on paper, and send them to their respective correspondences, that they may bring them to the next general meeting, with warrant granted by them to the clerk to subscribe

nation in particular, to give up the rights and privileges of parliament and kingdom to the will and lust of the English, and so to betray the interest both of religion and civil liberty, for unworthy by-ends; yet we purpose and promise, that we shall always in our capacities bear witness against these courses, and shall not by any means corroborate them, or encourage and countenance the maintainers and abettors of them. And if ever the Lord in his mercy shall be pleased to open a door of relief, and break the cords of the ungodly, we shall not be wanting in all lawful and suitable endeavours to promote, to our power, the recovery of that liberty and freedom which we have lost, and to have these acts and oaths, which impede reformation, rescinded; and that all the righteous laws made in favour of the covenanted reformation may be put in full force, and duly executed.

We shall earnestly pray to God, that he would give us able men, men of truth, fearing God and bating covetousness, to bear charge over his people, and that all places of power and trust, in church, state, or army, may consist of, and be filled with men of known good affection to the cause of God, and of a christian and blameless conversation: and when it shall please the Lord to give us such magistrates and judges, supreme and subordinate, then we will, in the terms of the covenant, yield allegiance to them, and loyally subject to their good government, not from any by-end, or sinistrous principle, but out of sincere obedience to God's commandment, and shall willingly support and defend them, with our estates and lives, in their preserving and defending the true reformed protestant religion, in doctrine, worship, discipline, and government; and suppressing all kinds of false religion in their dominions, and in the administration of justice and punishment of iniquity; but while the Lord, in his just displeasure for our sins, withholds such from us, we intend to wait till he turn away his anger, and not to stretch forth our hands to iniquity, in owning and countenancing such as are not duly qualified, as particularly these that are popish or prelatical, in their professed principle and practice, and by oaths, engage themselves to maintain, and accordingly to defend the prelatical form of church government, who oppose and encroach upon the true government of Christ's house, by their supremacy, and tolerate sectarian errors in their dominions, and that every one of them, supreme or subordinate; and shall not corroborate their unjust authority, by paying them cess and supply, for upholding their corrupt courts and armies, employed in an unjust and antichristian quarrel, or by comparing before their judicatories, either to defend or pursue law-suits, or upon any other account.*

Because we are not in a case to bring to due trial and punishment condign, (according) to the merit of their offences, malignants and evil instruments, according to the 4th article, therefore we shall endeavour to keep ourselves,

* This part of the engagement has, we believe, judging from what has come under our own observation, become obsolete.

in their name. 2nd, That the covenants, as they were renewed at Douglas, be henceforth made the formal terms of our communion; and that every correspondence have a bound copy, with four sheets of clean paper, for the subscriptions of all who

as far as possible, from any compliance with, or approbation of, their cause and courses, opposite to the cause and work of God, and shall endeavour to keep at a distance from every thing that may any ways import an unitive conjunction, association, or confederacy with them, or strengthening them in their opposition to the cause of God, the covenanted interest. We shall, through grace, endeavour to represent before the throne of justice their wicked courses, and pray that God would defeat their inventions, though we shall always, as becomes christians, implore the throne of grace for mercy to their souls, so far as it may be consistent with God's eternal purpose of electing love. Moreover, we shall always endeavour to guard against all unwarrantable and irregular ways, not approved in God's word, of punishing malignants and incendiaries, for their opposition to reformation.

Whereas, in the 5th article, we are bound to endeavour, that the kingdoms may remain united in a most firm peace and union to all posterity; which union did consist in an uniformity in doctrine, worship, discipline, and government, though (as was said) it is now laid aside; and an union entered into which establishes multiformity therein, and so is the opposite of this covenanted Union. We shall, therefore, deny our consent unto, and approbation of this Union, and shall, as we have in weakness been witnessing against it formerly, so continue to do for the future, and shall not corroborate or strengthen the same; but upon the contrary (if the Lord afford opportunity), shall do our utmost to have the Union of the kingdoms settled upon the true covenanted basis; and shall lay out ourselves, as far as possible, to entertain correspondence and sympathy with every one in the kingdoms of England and Ireland, who do or shall, to our knowledge, adhere to this league and covenant.

According to the 6th article, considering what danger we and all our brethren, under the bond and owning the obligation of these covenants, are in, and may be exposed unto, from the popish and prelatical malignant faction still prevailing, and from this backslidden church; and being sensible of the many defects, which have been amongst us, in the duty of defending and assisting one another, in maintaining the common cause of religion and liberty, we do here solemnly enter into a bond of association with all that do now renew these covenants, with the acknowledgment of the public sins and breaches, and the engagement to the duties thereof, and concert and assert the old covenanted cause and quarrel, as our fathers stated and contended for it, from the year 1638 to the year 1650. Which cause of the covenanted reformation in doctrine, worship, discipline, and government, and all interests or rights, religious or civil, contended for during the foresaid space of years; conducing to promote the same, we faithfully promise to prosecute, propagate, preserve, and maintain, to the utmost of our power, with our lives and all that we have; and to adhere to all the faithful testimonies, protestations, and de-

are, or shall be members constituent of their correspondence. We find also, stricter conclusions adopted, with respect to the appointment, and the attendance of commissioners to their general meetings, and orders issued for filling up their session

clarations, in the defence of the foresaid covenanted reformation, agreeable to, and founded on, God's word, ever since the foresaid year 1650, not regarding the foul aspersions of rebellion, combination, or schism, or what else our adversaries, from their craft and malice, would put upon us; seeing what we do is so well warranted, and ariseth from an unfeigned desire to maintain the true religion; to obtain the protection and preserve the honour of righteous government, and promote the peace and happiness of the kingdoms.

And, for the better performance of what we here engage to, we shall sympathize, bear all burdens, embark our interest with, assist and defend all those who enter into, or join with this association and covenant, and shall reckon whatsoever is done to the least of us, for this cause, as done to us all in general, and to every one of us in particular; and shall account it a breach of covenant, if, seeing our brethren pursued for this cause, and having sufficient means to comfort and assist them, any of us shall either make peace with the persecutors, bind up their hands, by oaths and bonds, from resisting them, refuse to hide, harbour, or supply their brethren, decline to venture in lawful and necessary attempts for their relief, or withdraw from their dutiful support; and being thus united and associated in this cause, as we resolve and oblige ourselves to abide in this firm conjunction, and neither consent nor concede to any combination or counsel, suggestion, persuasion, allurements, or terror, that may have any known tendency or influence, whether direct or indirect, to seduce us, either to division amongst ourselves, or defection to our adversaries, or a base indifferency and neutrality between the two; but shall, with all zeal, fidelity, and constancy, communicate our best help, counsel, and concurrence, for promoting all resolutions, which, by common consent, shall be found to conduce to the good of the cause; and shall endeavour to discover, oppose and suppress all contrivances or counsels, that may cast in any let or impediment, that may be obstructive or prejudicial to the same. So we shall likewise desire, design, and endeavour, (whenever the Lord in his providence shall offer opportunity) to get the defections, unworthy neutralities, and unhappy divisions, which have long and lamentably wounded and wrecked this church, removed and remedied. And shall be willing, with all tender sympathy and compassion, to embrace and welcome, with the outmost bowels of kindness and respect, that we can, all who shall confess and forsake these defections, and, according to their stations, as ministers or private christians, shall, by all proper means, labour to satisfy the consciences of the godly, that are, through these defections and scandals, justly offended, and that, according to the rules of Christ, delivered in his word, and received in this church in her reforming times, and join cordially with us in the prosecution of this cause; and we shall be willing also, at their desire, to acknowledge and forsake, for peace and unity, whatever we can rationally be convinced to be bad in our

book, by inserting the names of all persons who had been married, and of all children baptized. To receive the stamp upon linen cloth, or to pay the malt tax, lately imposed by the British parliament, was also declared incompatible with the testimony, and strictly prohibited. It was also found, that former recommendations, to provide arms and ammunition, had not been "duly observed," and they "do recommend the same, to the several correspondences, that the neglecters be admonished; and if they continue, be censured, as neglecters of the conclusions of this meeting."*

As the fever of party feeling, that raged through the country, approached to its crisis, their measures became still bolder, and assumed a more decisive character. The several correspondences, were ordered "to get a true list of the martyrs, who were shot, or otherwise killed, without process of law; what were their names and abodes; time and place of their deaths; who killed them; and any other remarkable particulars about them, with a true double of the elegies on all the stones,

conduct and management, as we must acknowledge, that in all things we fail, and come exceedingly short of that perfection which we should and would be at.

And because there be many, who heretofore have not made conscience of the oath of God; but some through fear, others by persuasion, and upon base ends and human interests, have entered thereunto, who have afterwards discovered themselves to have dealt deceitfully with the Lord, in swearing falsely by his name: therefore we, who do now renew our covenants with reference to these duties, and all other duties contained therein, do, in the sight of him who is the searcher of hearts, solemnly profess, that it is not upon any politic advantage, or private interest, or by-end, or because of any terror or persuasion from men, or hypocritically or deceitfully, that we do again take upon us the oath of God; but honestly and sincerely, and from the sense of our duty. And that, therefore, denying ourselves and our own things, and laying aside all self-interests and ends, we shall, above all things, seek the honour of God, the good of his cause, and the wealth of his people; and that, forsaking the counsels of flesh and blood, and not leaning upon carnal confidences, we shall depend upon the Lord, walk by the rule of his word, and hearken to the voice of his servants. In all which, professing our own weakness, we do earnestly pray to God, who is the Father of mercies, through his Son Jesus Christ, to be merciful unto us, and to enable us by the power of his might that we may do our duty, unto the praise of his grace in the churches. Amen.

* Conclusions of the General Meeting, MS. &c. &c.

against the first day of January, 1713, to be sent to Edinburgh." It was also ordered, "that one or two of each correspondence, be appointed to sight the arms, and take account of the preparations that the correspondence have made, for their necessary self-defence, in this time of public danger." "All persons, having occasion to travel abroad," were, at the same time, ordered to bring along with them, "testimonials, signed by the hands of some of the members of the fellowships, where they reside, otherwise, no secrecy is to be imparted to them."*

What was the specific object of these mysterious preparations, is somewhat difficult to determine. That the members of these societies, were equally opposed to the house of Stuart, and the house of Hanover, is abundantly obvious, though the reasons why they would join neither party, they did not think fit to declare at the time. Did they imagine, that by standing publicly on the defensive, so many from both parties, would be induced to come over to their ranks, as would give them a decided preponderance, and enable them to restore, what they supposed to be, the true and unalterable covenanted Scottish constitution? If they did, they were certainly no great politicians; and yet, in our estimation, it is only by such a supposition, that their conduct can be rationally accounted for.†

* Conclusions of the General Meeting, MS. &c. &c.

† We find, by the Hanover Papers, 1714, that they were now taken notice of, at the court of Hanover, and the following letter, is a curious specimen of their spirit and pretensions about this time.

"Mr. Kirkpatrick,

We having received information from our friends in Nithsdale, how you retaining your old malignancy, and enmity ag^t y^e people of God, have in pursuance y^of, adventured to run y^e risk of meddling w^t y^e monuments of y^e dead, demolishing and breaking y^e gravestone of a sufferer for y^e cause of Christ, q^u is highly criminal in y^e eye of y^e law, and is more y^e your neck is worth, and deserves just severity, as bringing to remembrance your old hatred, and y^e hand you had in his sufferings; and now you seem to be longing for a visit for your old murdering actions, q^u if you would evite, we straitly charge and command you, upon yo^r peril, to repair y^e stone, by laying one upon y^e grave, fully as good as y^e former, w^t y^e same precise motto, as well engraven, and y^e you perform y^e work w^t all expedition; and if it be not done ag^t May-day first, q^u is a sufficient time, we promise to pay you a visit, perhaps to yo^r cost; and if you oblige us y^{to}, assure yorsel^f, y^e yer old deeds will be remembered to purpose, q^u to assure you of, we have ordered this to be

In the midst of all this zeal, in opposition to the constituted authorities, there was an evident want of cordiality in the body. Never perhaps, was the folly of attempting, by any device, or by any sanction, however awful, to secure uniformity of sentiment, upon abstractions that are either doubtful, or difficult of apprehension, more fully manifested, than in the history of the old dissenters. Only two years after the engagements, they so solemnly came under at Auchinsburgh, we find from an act of session, at Crawfordjohn, in the month of June, 1713, that severals who had joined in these engagements, had already fallen "into contrary courses, and practices, and some of them into scandals and immoralities, to the great prejudice of their holy profession," while others, to whose characters, nothing, either in a moral, or religious point of view, could be objected, from diversity of sentiment, or from offence taken at the conduct of some of their brethren—often upon very frivolous grounds—withdraw from public ordinances, to which they could never be persuaded to return. So much were they divided in sentiment, that though they were all agreed upon the propriety of a day of public fasting, for their own sins, and for the sins of the land, years elapsed, before they could agree about the causes that should be assigned for it; nor could they have for many years, the Lord's Supper dispensed among them, partly from the same causes, and partly from the alleged inability of Mr. Mackmillan, who "could not easily condescend to set about it, until he should have more help, because of his own frailty, and the greatness of the work."* They appear, however, to have been all the while labouring to have their differences removed; but the removing of one, seems too often to have created more. The want of presbyterial authority was evidently severely felt by them, and though they made many efforts to obtain the benefit of it, first, by attempting to persuade some of their number to accept of ordination from Mr. Mackmillan, and the session, accompanied by the call of the people, in which they could not come to unanimity—

written in presence of our correspondence, at Crawfordjohn, March 1st, 1714, and subscribed in our name, by Hu. Clark cl."—Conclusions of the General Meeting, MS. &c. &c.

* Conclusions of the General Meeting, MS. &c. Pamphlets of the time, &c. &c.

Secondly, by applying to Mr. Adamson, who had been processed before the church courts, for opposing some parts of their public managements, but afterwards became independent in his views—Thirdly, to Mr. M'Hendry, who was similarly situated, and took a similar course—Fourthly, to Messrs. Taylor and Gilchrist—Fifthly, to the twelve Marrow-men, as they were then called; and lastly to some individual ministers of the Scottish church, they did not succeed, till a more formidable breach in that church, rendered their opposition of comparatively little consequence.

But to return to the parliament—near the end of the session, the queen came to the house of lords, and stated the preliminary articles of peace, that had been agreed upon, between her and the French king, as far as they related to England; and she promised her best endeavours, for procuring satisfaction for her allies. She received an address of thanks, from both houses in return. The preliminary* terms, however, fell so far short of what had been generally expected, that they occasioned universal depression and discontent, and gave new and strong grounds for arraigning the conduct of ministers. The parliament, however, after censuring a few opposition pamphlets, probably with the view of checking their apprehended increase, during the approaching vacation, was, after a short speech from the queen, adjourned by the lord keeper, on the 21st of June.

The highest hopes were all this time cherished by the Jacobites as well as by James himself, who maintained a constant correspondence with some of the principal members of the British government, and, by means of the lady Masham, even with the queen, who, it was confidently anticipated by the more enthusiastic admirers of the exiled prince, would very soon, from a sense of duty, yield up to him that throne, which, according to the doctrine of her new friends, she had no right to

* When the articles of the peace were laid before the privy council, the duke of Buckingham, holding up his hands, exclaimed, "Good God! How has this poor nation been governed in my time! During the reign of king Charles the second, we were governed by a parcel of French whores. In king James the second's time, by a parcel of popish priests. In king William's time, by a parcel of Dutch footmen, and now we are governed by a dirty chambermaid, a Welsh attorney, and a profligate wretch, that has neither honour nor honesty."—Parker's Military Memoirs, p. 219.

possess; or, if she did not immediately assume him into the government jointly with herself, that she would at least provide for his easy and direct succession on her demise, and, in the meantime, allow him a suitable settlement and a residence in Scotland, as the heir apparent of these kingdoms.* This favourable disposition of the queen seems to have been now the sole dependance of James, and he again wrote her, apparently in the fullest confidence. "In the present situation of affairs," says he, "it is impossible for me, dear sister, to be any longer silent, and not to put you in mind of the honour and preservation of your family; and to assure you, at the same time, of my eternal gratitude, if you use your most efficacious endeavours towards both. Give me leave to say, that your own good nature makes me promise it to myself, and, with that persuasion, I shall always be ready to agree to whatever you shall think most convenient for my interest, which, after all, is inseparable from yours; being fully resolved to make use of no other means, but those you judge most conducing to our mutual happiness, and to the general welfare of our country."† In strict conformity to these sentiments, the Jacobites, many of whom, particularly of those belonging to Scotland, had obtained seats in parliament, were individually instructed to lay aside all their own projects, leaving it to the generosity of the queen, and the wisdom of her advisers, to make the necessary alterations upon the act of settlement, at their own time, and in their own way.‡

The queen, through the influence of Mrs. Masham, had certainly become considerably cold towards the electoral family, and, in as far as she could overcome her natural timidity, anxious to promote the succession of her brother, though she

* Stuart Papers, 1712.

† Ibid.

‡ "I did then cast about amongst the commons, and finding them well enouff disposed to enter into measures for obliging the ministry to do what was expected with respect to the king and other matters of moment, wee began to form a party for that purpose, and concert measures to be prosecuted; when, in a little time thereafter, Mr. John Menzies (who received the despatches commonly from St. Germaine) came and showed me a letter to him from the earl of Middleton, signifying that it was the king's pleasure, that all his friends should join in supporting the ministry, and give them no uneasiness: requiring him to communicate the same to me and several others."

—Lockhart Papers, vol. i. pp. 368, 369.

did not choose to express herself very distinctly upon the subject. It was, indeed, an experiment that might have affected stronger nerves than hers, and staggered wiser heads than were to be found among her counsellors, although neither the imminency nor the real magnitude of the danger seems to have been at all apprehended either by her or them. The principal difficulties, in the outset at least, with the one and the others, seem to have arisen from little paltry personal considerations, unworthy of being entertained by either philosophers or politicians. Bigotry and superstition had led James VII. to desert a throne, and this bigotry and superstition, almost without diminution, he had bequeathed to his son, in consequence of which he was an object of terror or of hatred to the greater proportion of three nations, who would otherwise have been his loving and devoted subjects. Anne, indulging a feeling that was natural, and to a certain extent commendable, pitied her poor brother, the heir of so many errors and such complicated misfortunes; but she, too, was a bigot for the church of England; and, till he should do something for himself, by at least seemingly adopting her belief, she scrupled, or, perhaps, did not well know how to help him.

Informed of this, as the sentiments of the queen, the most politic of his friends, particularly of those who were about him, and, for the sake of his father's favour had deserted the church of England, pressed him to gratify his sister and disarm his detractors, by a seeming compliance with her request, though it should be only till he was fairly seated on the throne, when he might avow his predilections more safely for himself and more profitably for his friends.* James, however, was inflexible, and the queen, at the same time that she was offended with his obstinacy, was at a loss how to act. Had he complied with her desire, from the love which she believed the nation bore to herself, aided by the church, of which she had always been the liberal patron, she most probably expected, that her simple recommendation would have removed the principal difficulties that stood in the way of his being amicably received as her successor; but, as he honestly avowed himself a papist,

* Stuart Papers, 1712.

some other plan behoved to be fallen upon, or the design abandoned. What must have added in no small degree to her perplexity, she had no one about her in whom she could really confide. Oxford had, probably, more of her affection and confidence than any other, but he had conducted himself with so much caution as to have become disagreeable to the Jacobites, and an object of great suspicion at St. Germain's, besides he was particularly odious to her favourite, Mrs. Masham, of course she could not lay her difficulties before him; Bolingbroke, by the sycophancy of his behaviour, and a liberal use of the public money, had become quite agreeable to the favourite, and there could be no doubt of his being willing to go every length to serve his own interests, but the queen, with all her weakness, was really serious, and hated him at bottom for the libertine tendency of his opinions, and the profligacy of his manners, and we cannot suppose, whatever she might from necessity be induced to disclose, that she would rest with much complacency upon a person so very low in her esteem; the probability, however, is, that he was trusted to a certain extent on this occasion. In common with all other Jacobites, her majesty seems to have secretly looked to the French government, in this dilemma, as the last resource of James, and felt an increasing desire to have all her differences in that quarter made up. Plenipotentiaries from all the different belligerents had been assembled at Utrecht, for some time, but, from the rash and impolitic procedure of the British ministry, the French had acquired such vantage ground, and were so certain of carrying all their own particular views into effect at last,* that they were in no haste to come to any conclusion, while the operations of jealousy, and the difficulty of reconciling conflicting interests, produced a similar effect among the allies.

To remonstrate with the French court upon the unexpected exorbitancy of some of its demands, and to look after the interests of the duke of Savoy, in whom, as the next lineal heir to the British throne after James, her majesty took a special interest, perhaps also secretly to look after the affairs

* Sommerville's History of Great Britain, &c.

of James himself, Bolingbroke was despatched to Paris, where he was received with every mark of attention, agreed to a suspension of hostilities, on the part of the British, and was thus supposed to have removed every obstruction in the way of concluding a separate peace, if the allies did not come into those terms which, from the defection of Britain, France had it now in her power to impose upon them. Bolingbroke very soon returned to England, highly gratified with the success of his mission, and the splendour of his entertainment, having received from Louis the present of a rich ring worth four thousand guineas.*

When Bolingbroke returned to his colleagues in England, Prior, the poet, who had accompanied him, was left, in an inferior capacity, to manage any lesser matters that might occur, or that had been left unsettled; but a more honourable person, James, duke of Hamilton, was immediately selected to fill that important station, and to negotiate a business that was too delicate to be intrusted to such a man as Prior, or even to lord Bolingbroke. His grace, the duke of Hamilton, was well known to be the leader of the Jacobites both in Scotland and in England, and, for some time past, had been in high favour with the queen, who, it is supposed, intended to intrust him, on this occasion, not only with her particular views, with regard to the succession, and the mode in which she intended to make it sure to her brother, but with power to negotiate with the court of France, the necessary means for carrying her kindly intentions towards him into effect. What these means were has never been explained, nor does it appear that his grace was ever made fully acquainted with them; but, from what we have already seen were his views on the subject, and from his declaration, that "he never undertook any matter with so much pleasure as this journey" he was now going upon, we think we may warrantably conclude they were no other than the old expedient, of French money and French armies.†

* Political State, vol. iv. p. 103.

† It has been stated that part of the plan was, to allow the pretender a settlement in Scotland; but we do not think there existed any authority for such a statement, but the fond wishes, and foolish anticipations of the pretender's friends!

This appointment, as it filled the friends of the protestant succession with jealousy and fear, inspired the Jacobites with the most extravagant joy, who expected from it nothing less than the immediate restoration of James. Lockhart of Carnwath was even bespoken to be ready at a day's warning to go over to his grace, to be employed as an assistant or special messenger, and was on his way from Scotland, to be in readiness for that purpose, when a melancholy occurrence put an end at once to the life of the duke of Hamilton, and the project that had been so carefully ripened for the pretender's restoration. A lawsuit of some importance being in dependance between the duke of Hamilton and lord Mohun, they had occasion to meet on the examination of some witnesses, when an altercation ensued, which provoked the latter of these noblemen to send the former a challenge, "which," says Burnet, "he attempted to decline; but, both being hurried by these false points of honour, they fatally went out to Hyde Park, about the middle of November, and fought with so violent an animosity, that, neglecting the rules of art, they seemed to run on one another as if they tried who should kill first, in which they were both so unhappily successful, that the lord Mohun was killed outright, and duke Hamilton died in a few minutes after."

Of his grace, the duke of Hamilton, Burnet has declined to draw any character. "I am sorry," says he, "that I cannot say so much good of him as I could wish, and I had too much kindness for him, to say any evil without necessity." Lockhart, who was undoubtedly admitted to his most familiar intimacy, though he appears to have been somehow or other a little dependant upon him, says, "he was of an heroic and undaunted courage, a clear, ready and penetrating conception, and knew not what it was to be surprised, having at all times, and on all occasions, his wits about him; and, though in parliament he did not express his thoughts in a style altogether eloquent, yet he had so nervous, majestic, and pathetic a method of speaking, and applying what he spoke, that it was always valued and regarded. Never was a man so well qualified to be the head of a party as himself; for he could, with the greatest dexterity, apply himself to, and sift through the inclinations of different parties, and so cunningly manage them, that he gained some of

all to his, and if once he had entered into a new measure, and formed a project (though in doing thereof, he was too cautious) did then prosecute his designs with such courage, that nothing could daunt or divert his zeal and forwardness.

“ The cavaliers, and those of the country party, had a great opinion of and honour for him, and that deservedly; for 'tis well known he often refused great offers if he'd leave them, and was, by excellent qualifications, and eminent station and character, absolutely necessary both to advise and support them; he wanted not a share of that haughtiness, which is, in some measure, inherent to his family, though he was most affable and courteous to those he knew were honest men, and in whom he confided; he was extremely cautious and wary in engaging in any project that was dangerous; and 'twas thought, and perhaps not without too much ground, that his too great concern for his estate in England, occasioned a great deal of lukewarmness in his opposition to the Union, and unwillingness to enter into several measures that were proposed to prevent the same. But his greatest failing lay in his being somewhat too selfish and revengeful, which he carried alongst with him in all his designs, and did thereby several times prejudice the cause for which he contended, and to these two failings any wrong steps he shall be found to make are solely to be attributed. But since 'tis certain there's no mortal without some imperfection or other, and that his were so small and inconsiderable in respect of his great endowments and qualifications, we may well enough pass them over, and conclude him a great and extraordinary man, and whensoever a loyal and true Scotsman will reflect upon his actions, he cannot fail to admire and love him for the service he did his king and country, and number him amongst those worthies whose memories ought ever to be revered in Scotland.”*

Others of the Jacobite faction seem not to have had so high an opinion of his grace. Throughout the whole of Hooke's correspondence, during his mission to Scotland in the year 1707, as we have already seen, he is boldly charged with the meanest duplicity, in holding secret correspondence with Queensberry

* Lockhart Papers, vol. i. p. 54.

and Stair, the administrators of the government; with James and his followers, and, at the same time, tampering with the presbyterians in order to obtain the Scottish crown for himself; yea, as a desperate character loaded with debts, and, "should a party take the field for the chevalier de St. George, as one who would certainly join them, from his being so circumstanced that he could not do otherwise." Lovat, in his memoirs, also states, "that he had been informed by all the faithful partizans of king James the third, and among others, by Mr. John Murray, that the duke of Hamilton intended no good to the royal party, but that, on the contrary, he was devoured with the absurd idea of becoming himself king of Scotland."*

An impartial review of the character and conduct of the duke of Hamilton will not, perhaps, fix upon him the design of aspiring to the crown—though the strange and unaccountable nature of many of his actions might naturally enough excite suspicions of that sort among his contemporaries, especially, as the idea had been previously cherished in his family, particularly during the troubles in the reign of the unfortunate Mary—but it will certainly demonstrate, that if he ever formed such a design, it was foolish in the extreme, as he possessed not one talent necessary for putting it in execution. He was given to intrigue, but wanted sagacity and the command of his passions; ambitious, but wavering and indecisive; crafty, but the dupe of his own cunning; and, for hazarding present good in the hope of future advantage, far too careful of consequences. That he was an enemy to the revolution settlement, and a thorough paced Jacobite, there cannot be a doubt; but, from the unsteady, and, indeed, often inexplicable line of conduct which he adopted, the abettors of the revolution derived more real advantage than from any one of their professed friends, and the Jacobites more real injury than from the most forward of their enemies. Had there been any thing like consistency in his conduct; could he have been prevailed upon to suppress his mean jealousy of, and childish pique against the dukes of Athol and Queensberry; had he paid a little more

* Memoirs of the Life of Simon Lord Lovat, written by himself, &c. pp. 179, 186, 187.

respect to real dignity of character, and a little less to his estates, the Union might have been to this day among the events to come; and, had he not died as a fool dieth, in his quarrel, with lord Mohun, his name had been certainly execrated by all classes of his countrymen; but the circumstances of his death, enabling a faction to proclaim him a martyr for his country, inquiry was superseded, suspicion laid asleep, and vulgar fame, to this day, speaks of him with admiration, as the great duke of Hamilton.

The death of his grace, the duke of Hamilton, was severely felt by the Jacobites; and it gave the death blow to the scheme they had been so anxiously employed upon for several years, and which they supposed they were on the point of accomplishing. The difference between the noble lords, was evidently nothing more than a personal quarrel, arising out of avarice and pride, perhaps somewhat aggravated by the circumstance of lord Mohun's advocating certain political opinions, in that house, from which, as we have seen, duke Hamilton—by an unjust sentence, as he supposed—was excluded, and so had not the honour of judicially opposing; but it was boldly represented as a deliberate murder, implicating the whole body of the whigs, though their principal leaders had succeeded in accomplishing it by the sword of general Macartney, lord Mohun's second, who, it was asserted by colonel Hamilton, who seconded the duke, made a push at his grace, as the latter was lifting him off lord Mohun, upon whom he had fallen. A proclamation was immediately issued, offering, for general Macartney, £500 of reward by the government, and £300 by the dutchess of Hamilton; and the peers of Scotland united in an address to her majesty, that she would be pleased to write to all the kings and states in alliance with her, not to shelter general Macartney, but to cause him to be apprehended and sent back to England. Macartney, however, established himself at Antwerp, where he remained without molestation—except from the duke's natural son, Charles Hamilton, who sent him a challenge, which he declined—till the accession of George I. when he surrendered himself, was tried, and, by the direction of the court, acquitted of the charge of murder, but the jury found a verdict of manslaughter. Colonel Hamilton, his original accuser, upon this

trial prevaricated so much, that he was obliged to sell his company in the guards, and, to escape a prosecution for perjury, flee the country. The pretender, was himself so deeply interested in this affair, that he wrote to the dutchess of Hamilton, a most gracious letter of condolence on the melancholy fate of her husband, which, he probably felt the more keenly, as it so seriously affected his own.

The intention of all this bustle and noise about an affair in which the public were not very intimately concerned, was intended to counterbalance the loss sustained by the death of the duke of Hamilton, by rendering the whigs odious; but, unfortunately for the cause, it rendered them at the same time terrible, and, from that day forth, Oxford seems to have resolved to solicit, by all means consistent with holding his place, the countenance of the family of Hanover, nor does the queen herself, though her good wishes were doubtless still with her brother, appear to have thought, after this, of making one consistently formed effort more for him during her life. The certain indications of a civil war being the unavoidable consequence of landing the pretender in any part of Great Britain, we think much more likely to have induced both Oxford and the queen to suspend, for a time, those arrangements by which they intended to serve him, than the difficulty, after losing the duke of Hamilton, of finding a person capable of carrying them forward, as has been broadly affirmed by Lockhart,* and after him, repeated by various other writers. Oxford had long been regarded by the court of St. Germain with suspicion; this suspicion seems now, by rapid gradations, to have increased, till, at the earnestly repeated solicitations of that court, he was dismissed from his station;† and though Bolingbroke entered heartily into the schemes of the pretender, the vacillating temper, and the timidity of the queen, together with the secretly, and artfully managed opposition of Oxford, and the determined obstinacy of the whigs, rendered all his efforts, in the end, perfectly nugatory.

The Jacobites, however, still suffered themselves to be so far imposed upon, as to indulge the most extravagant dreams of

* Lockhart Papers, vol. i. p. 410.

† Stuart Papers, 1714.

immediate success, "turning," as one hath well observed, "their hands and eyes to a foolish expectation, in which, had they had the least foresight, they could not but see they were dropped in the beginning, and must effectually be disappointed in the end.* The duke of Shrewsbury was appointed ambassador to the court of France, in room of his grace the duke of Hamilton, but was not, as is generally stated, thought worthy of being intrusted with the more delicate and important matters, that were to have formed the most prominent of his predecessor's commission. The duke de Aumont was, at the same time, sent to London by the court of Versailles, and was believed to have secret instructions to negotiate on the part of the pretender; it has even been stated, that the pretender was in his train, and had several interviews with the queen, his sister. Of this last circumstance we have not seen sufficient evidence. From the swarm of papists that attended him, and the ostentatious tenor of his behaviour, de Aumont created a violent prejudice against himself, and, instead of serving the cause of James, injured it most materially. He was at first a favourite with the mob, but latterly, could not appear without being insulted by it, and his house was at last maliciously set on fire and burned to the ground.†

The great object of the present ministers, and in which the Jacobites took such a deep interest, peace, being, after many delays, signed on the thirteenth of March, the parliament, which, in expectation of this event, had been from day to day prorogued, was opened on the ninth of April. The queen, in her speech to the two houses, told them that she had now concluded a peace in which she had obtained a further security for the protestant succession; and that she was in an entire union with the house of Hanover. Of the commons she asked the necessary supplies, and to both houses she recommended the cultivation of the arts of peace. She passed some severe reflections on faction, and complained of the liberty of the press, suggesting the propriety of some new law to check its progress. Trade and manufactures, she also recommended to their par-

* Secret History of the White Staff.

† Sommerville's History of the reign of Queen Anne, &c. &c.

ticular attention; nor did she forget those brave men who had served the country during the war, and were now likely to have no other resource but its bounty. The lords were, as usual, somewhat refractory, and, though they did not explicitly dissent from her majesty's sentiments, avoided any specific approbation of the peace, except in so far as it secured the protestant succession; but the commons expressed their entire satisfaction with it, and their admiration of her majesty's steadiness, notwithstanding the many difficulties that had been so industriously laid in her way. The example of the commons, with regard to the treaty of peace, was followed by the principal corporations in Britain, though they very soon found themselves under the necessity of petitioning parliament against the commercial part of it, and, in a short time, would gladly have parted with it altogether.

There were also addressers, Scottish Jacobites, who, without waiting for the signing of the treaty, but, anticipating its benefits, had sent up to the queen their hearty commendations thereof, gratefully applauding "the set of patriots, who were not only the faithful advisers of this great transaction, but, in spite of an impiously bold opposition, have been its wise and daring administrators; thanking her majesty for recommending the insolence of the press to the consideration of the late parliament, hoping the ensuing will improve upon the progress of the former, and work out a thorough reformation; that they may be no more scandalized, nor the blessed Son of God blasphemed, nor the sacred race of Stuarts inhumanly traduced, with equal malice and impiety." They conclude with declaring, that they will be "happy, if, after her majesty's late demise, to put a period to our intestine divisions, the hereditary right and parliamentary sanction could possibly meet in a lineal successor."* This was got up at the instance of the earl of Marr, the commissioners sent up with it, were introduced by lord Bolingbroke to the queen, who received them most graciously, commended the warmth of their loyal attachment, and rewarded the chief of them with pensions.

* Rae's History of the Rebellion, p. 32. Supplement to the History of Queen Anne, pp. 225, 226.

This, and other addresses of a similar kind, printed by public authority, excited the utmost astonishment in the more thinking portion of the community, while they emboldened the friends of the pretender, to make, in their usual manner, most foolish displays of their feelings, in almost every part of the kingdom, by which, laying open their secret purposes, they alarmed all the more prudent among themselves, and gave particular uneasiness to the queen, to whom nothing was so terrible as the prospect of internal commotion. By these means also, they gave new life and increased activity to those jealousies that had for some time past been secretly brooding in the minds of the ministers with regard to one another, and which produced those indecisive and sometimes jarring measures, that, in the end, subjected them to disappointment and ruin. The lord chancellor Harcourt, and the lord treasurer Oxford, were particularly piqued at the forwardness of Bolingbroke, who, they were afraid, by countenancing these gross flatteries, was gaining too much of the ear of the queen; and several of the leading members of both houses, whose veneration for the queen had led them hitherto to support the ministry, alarmed at these dangerous proceedings, began to clamour, even more violently than the whigs, for additional securities for the protestant succession.*

In the meantime, the assembly of the church of Scotland met at Edinburgh, on the thirtieth of April, 1713, John, duke of Athol, being appointed commissioner, and Mr. William Wishart, one of the ministers of Edinburgh, chosen moderator. In her letter to this assembly, the queen was profuse in compliments, and expressed particular zeal for the protestant succession: "We take," she says, "this solemn occasion to renew the assurances we have formerly given you of our firm purpose to maintain the church of Scotland as established by law. The address of the late General Assembly did so much manifest their loyalty and good affection to our royal person and government, and their true concern for the succession in the protestant line of the house of Hanover, as established by law, that it could not but be very

* Supplement to the History of the reign of Queen Anne.

acceptable to us: and your moderation and unanimity amongst yourselves, is not more for your own good, than it will be for our satisfaction. And we assure ourselves, that there will be nothing in your procedure but what shall be dutiful to us, and shall manifest the wisdom of your conduct.”*

Nothing in the form of an admonition could be more soothingly sweet than this, and the assembly copied after it with admirable felicity. After thanking her majesty for so kindly accepting their expression of loyalty and affection to the protestant succession, as presented by the last assembly, they go on to say: “We beg leave to testify to your majesty, how much it did rejoice us to be acquainted by your commissioner from the throne, with the great care that your majesty has been pleased so conspicuously to show for the protestant religion, and the continuance of it to succeeding generations in your own dominions, and that your majesty has further extended the same pious care to the churches abroad, and that God has blest your endeavours for obtaining the release of those who were in the French galleys for their religion; and also, the consent of France to redress the hardships to which the protestant churches in Germany were liable.” This was all well, had it been true, but, unfortunately for the veracity of the commissioner, and the intelligence of the assembly, there was not one word of it but what was utterly false; and a principal ground of dissatisfaction with the peace, among all serious and good men, even of the communion of the church of England, was the shameful manner in which the interests of the suffering protestants, both in France and in Germany, had been neglected by her majesty’s ministers.† Rae, who certainly had no intention of derogating from the honour of the assembly, writing in the year 1718, asserts, that “though the late queen Anne, as the head and guarantee of the protestant interest, had granted commission to the marquis de Mirémont, to act in concert with all the other plenipotentiaries, for the enlargement and re-establishment of these suffering protestants in France, and he accordingly presented to them, at the congress at Utrecht, an excellent memorial,

* Printed Acts of Assembly, 1713.

† Thoughts concerning the Peace.

which," he adds, "I have now before me, yet, instead of restoring them to their ancient privileges, those glorious confessors were put off with a faint request by our managers, that such of them as are confined to galleys or other prisons, might be set at liberty; and I have not yet heard that they obtained so much."*

In unison with their address, the assembly passed "an act for maintaining the unity and peace of the church," referring to the oath of abjuration, which had made, as we have seen, and was still making so much noise in Scotland. The object of this act was to inculcate forbearance with regard to taking or not taking that oath, and, after the full elucidation it had now received, still maintained it to be a matter of indifference. This act is a curious document, and shows most distinctly that it is no new thing, even in the church of Scotland, for men to cover the most glaring departures from the simplicity of christian faith, the purity of gospel practice, and that unity which the scriptures more especially inculcate, by a pretension of zeal for the success of the gospel, and the interests of practical godliness.† This assembly also, "for the more decent performance of the public praises of God, do recommend to presbyteries, to use endeavours to have such schoolmasters chosen as are capable to teach the common tunes; and that presbyteries take care that children be taught to sing the said common tunes; and that the said schoolmasters, not only pray with their scholars, but also sing a part of a psalm with them, at least once every day." The books of the society for propagating christian knowledge were also examined by a committee of members appointed from each synod, their managements entirely approved of, and a recommendation to presbyteries passed in favours of the society.

A number of important matters were, no doubt, transacted by this assembly, but, taking all the circumstances of the case into consideration, this was, perhaps, the least faithful of any assembly since the revolution, and one from which the public

* Rae's History of the Rebellion, pp. 28, 29.

† Vide Printed Acts of Assembly, 1715.

interests of religion seem to have derived almost no benefit. The disputes between the jurant and nonjurant presbyterians, instead of abating were becoming still more violent, and threatened a disruption, the consequences of which appeared to both parties terrible. The insolence of trafficking priests, however, especially in the north, where popery was found to be greatly on the increase, with that of the episcopal clergy in the same bounds, who lived with these priests upon the most brotherly terms, while they could not so much as bear the sight of a presbyterian minister,* awakened in the commission of this assembly, a lively feeling of danger, and determined them to publish a serious warning against the errors and dangers of popery, and to address the queen, in a style of great plainness, to have the laws put in execution against these incendiaries, who were undermining the foundations of the constitution, civil and ecclesiastical. So far, indeed, were the ministers of the church of Scotland, in general, from being in unison with the assembly, in respect of the queen's care of foreign protestants, that when the thanksgiving, for "the safe and honourable peace" was appointed, because the poor Catalans,† as well as the protestants of France and Germany,

* Rae's History of the Rebellion.

† "The Catalans [inhabitants of Catalonia] were a people who had enjoyed several rights and immunities while Spain was subject to the house of Austria. As they had a just value for their privileges, they were desirous to secure them for themselves, and transmit them safe to their posterity. Accordingly, in the year 1705, having received several assurances from Mr. Crow, queen Anne's minister at Genoa, from the earl of Peterborough, and Sir Cloudesley Shovel, that if they would acknowledge Charles III. as king of Spain, and renounce the house of Bourbon, her British majesty would use her utmost endeavours to procure the establishment and confirmation of their rights and privileges, and the settlement of them on a lasting foundation; the Catalans acknowledged and received that prince as their sovereign, raised men and money for his service, and, during a war which abounded with extraordinary turns of fortune, gave signal proofs of their unshaken fidelity and zeal for the cause they had espoused. After king Charles came to the imperial crown, and Spain was at last given up to the house of Bourbon, the Catalans, far from being guided by a spirit of obstinacy and rebellion, as has been represented, were willing to acknowledge king Philip V. for their lawful sovereign. At the same time, as they hoped to be protected by the emperor, a prince for whom they had exposed their lives and fortunes, and, as they relied upon the repeated assurances they had received that England would never abandon

had been deserted by it, they, almost to a man, refused to keep it.

But to return to the parliament—after various discussions, respecting the peace, and other matters, which, however important, do not belong to Scottish history, the house came at length to the providing the supplies, when the malt tax, being renewed, was now for the first time extended to Scotland. This occasioned the most acrimonious debates in both houses. The Scottish members, declared the bill to be a violation of the treaty of Union, which, it was affirmed, stipulated expressly, that no duty should be imposed on malt in Scotland, during the war,* and the war, they contended, was not yet finished, Spain not being included in the treaty, that had so lately been signed. And, even though the war had been really ended, as, by the very words of the proposed act, the money raised by it, was to be applied to pay debts contracted the previous year, it was alleged, that it might with equal propriety, have been raised within that year, which no one would deny, would have been a manifest breach of treaty. It was also, from the alleged inferiority of the Scottish malt, stated to be unequal and oppressive,† and from the poverty of the country, such as it could

them, they insisted upon the enjoyment of their former privileges. The inhabitants of Barcelona, being summoned by the duke of Popoli to surrender to king Philip, answered, 'That though they would rather die than be slaves, yet, if their ancient liberties were confirmed, they would open their gates and receive him with joy.' But the Catalans being abandoned both by the emperor and by England, the court of Spain would be absolute. What happened afterwards; how vigorous and heroic a defence the Catalans made against the joint efforts of France and Spain; what miseries they underwent; how many of them perished by the sword; how many of them were hanged or shot to death; and how many persons of figure were thrown into dungeons, there to lead out the remainder of their lives, will appear in the sequel. And here we cannot forbear lamenting the fate of a brave unfortunate people, who fought and suffered merely for their liberties and privileges, and have immortalised their name, by the noble though unsuccessful stand they made against usurpation and arbitrary power."—*Life of the Duke of Berwick, Note*, pp. 385, 386.

* So their speeches are reported by the most of our historians. For our parts, we have looked again and again, over the articles of the treaty of Union, and have not been able to discover this stipulation.

† Lockhart has depicted in strong colours the selfish motives that actuated those who chiefly opposed this measure, though he was probably not aware

not possibly bear. Many of the English members were satisfied with the equity of those grounds, the Scottish members went upon, but a majority were of a contrary opinion, and the bill passed.

The debates upon, and the passing of this bill, awakened in the bosoms of Scotchmen, all those national prejudices and animosities, that had as yet, been only partially laid asleep, and the members for Scotland, of both houses, after mature deliberation, determined, that laying aside all party distinctions, they should unite in carrying through the legislature, a legal but an immediate dissolution of the Union. In prosecution of this design, the duke of Argyle, the earl of Marr, Lockhart of Carnwath, and Mr. Cockburn of Ormiston, two peers, and two commoners of each party, were deputed to lay their grievances before the queen, and request her concurrence with a measure, which they stated to be absolutely "necessary for the welfare and honour of her ancient kingdom." Her majesty listened to their verbal remonstrance with evident surprise. "She was sorry," she said, "that the Scots believed they had reason to complain, but she was of opinion, they were driving their resentments too far, and wished they might not have reason to repent their conduct;" at the same time, with her characteristic good nature, she promised to endeavour to make all things easy.* In the meantime, every artifice was employed, to bring over to their views, the leaders of the different parties among the English, and especially to inflame the minds of the people of Scotland, that they might be ready for any desperate enterprise in behalf of the pretender, for whose sake, princi-

that he was doing so. "The Scots," says he, "represented that this tax, though as easy and convenient for England, as any other, which raised so great a sum, in so far as it came directly off the farmer, and being thereby diffused into many other parts, became less burdensome and sensible, yet was quite otherwise in Scotland, where a great part of the rents, being paid in kind, it fell heavy, and immediately on the heritors, who could get no relief by raising the price, because, in that case, the brewers must raise the price of their eal, which brought them out of the frying-pan into the fire, for then they must pay the high excise, though in truth, the eal was no better than the English small beer, according to which, it is now valued and taxed." Lockhart Papers, p. 415.

* Lockhart Papers, vol. i. p. 455.

pally all this uproar was created; and on the first of June, a motion for dissolving the Union, was made, in the house of lords, by the earl of Findlater, at that time chancellor for Scotland. His lordship had been one of the commissioners for the treaty of Union, which he was particularly active in accomplishing, and for his zeal and services therein had a pension allowed him, out of the post-office, of three thousand a year. Scottish independence, he valued so little, that at the rising of her last parliament, he jestingly exclaimed, "Now there is an end of an old song."* Lockhart may therefore be fully credited, when he affirms, that "it is impossible to express his lordship's uneasiness during his speech; he made so many apologies for what he was to do, that it quite spoiled the grace of it, there being no appearance of that zeal and earnestness which a subject of this nature did require, and seeming more like a party motion and measure, than that it proceeded from a real conviction and sense of the calamities and injuries he complained of."†

His lordship's conviction of these injuries, could not be deep, as they were in a great measure imaginary, some of them, indeed, benefits of no ordinary magnitude. The whole he reduced to four heads. The want of a privy council—the being subjected to the treason laws of England—the incapacitation of Scottish peers for being peers of Great Britain; and the extension of the malt tax, which he contended would be a most intolerable burden to the poor in Scotland, and would confine them entirely to water for their drink, which he ought to have known had been effectually done already, by their own lords and lairds, who had but very rarely allowed them any thing else.

The motion was seconded by the earl of Marr, and supported by the duke of Argyle, the earls of Ilay, Eglinton, Nottingham, and Sunderland, the lords Townshend, Halifax, Powlet, Scarborough, and Scarsdale; the principal speakers in opposition to it, were the lords North and Gray, the earl of Peterborough, the lord chief justice Trevor, and the lord

* Douglas's Peerage of Scotland, vol. i. p. 586.

† Lockhart Papers, vol. i. p. 435.

treasurer Oxford. Argyle supported the motion with great warmth, and had he not in the course of his speech, thrown out some severe reflections upon the pretender, it had certainly been carried. Two bishops particularly, who possessed three proxies, took so much offence at some of his expressions, that they left the house before the division, and it was negatived by a majority of four voices. This debate affords a remarkable example of political inconsistency, and shows with what facility, statesmen frame plausible pretences to justify, or to forward their own selfish purposes. The whigs, who had with so much persevering diligence accomplished the Union, were now perfectly willing to give it up, while the tories, who had opposed it with the most determined inveteracy, held it fast. One of the most ostensible objects, too, of that treaty, was the security of the protestant succession, now the security of that succession was the principal argument brought forward for dissolving it!*

Being thus, happily for their country, disappointed in their object, the Scottish members held a general consultation next day, when it was resolved, not to move the question in the house of commons that year, lest it should there meet with a more unfavourable reception, but that in the meantime, they should procure addresses from all parts of Scotland, and, now that they had a precedent in the house of lords for entertaining the subject, endeavour bringing their purpose to the desired issue in the course of another year. No addresses, however, were procured, except from the shires of Edinburgh and Lanark,† and these probably through the influence of Lockhart of Carnwath—the most inveterate and the most subtle of all the Scottish Jacobites, who possessed considerable property in both these shires—and in the course of another year, new and unexpected events put a bar, probably for ever, to any such proposal.

The only thing further that occurred in this parliament, that particularly regarded Scotland, was a bill brought in by Mr. Lockhart, and passed, to restrain the splitting of free-

* Sommerville's History of the reign of Queen Anne.

† Lockhart Papers, vol. i. p. 437.

holds, and granting rights of estates, redeemable upon payment of small illusory sums, for the purpose of multiplying votes at elections of members to serve in parliament for the Scottish shires, a practice that had been carried on to a great extent, particularly by the friends of the revolution settlement, on which account it excited, in a high degree, the indignation of the tories; the motive of course was bad, though the object was praiseworthy; and its effects were trifling, corruption being then as now, too strongly intrenched behind the circumvallations of corporation influence, and the less formidable to appearance, but really more impregnable lines of individual interests, to be overthrown by the irregular and tumultuous attacks of party feeling. Till there be a moral amelioration breathed through the body politic, soothing the rage of party, and disposing all to the love of truth and the practice of charity, the hydra may have a head now and then accidentally cut off, but another instantly springs up in its place; and, while there may be a momentary relief from some trifling inconveniences, the radical evil remains, accumulating respect with its years, and strength from every partial conflict.

To all who had drunk into the spirit of freedom, and wished well to the best interests of mankind, the presumptuous conduct of the pretender, and the unwearied, though often foolishly directed zeal of his friends, were constant sources of inquietude, and, in the course of this session, two addresses were presented to the queen, one by the lords, and one from the commons, beseeching her to use her influence with the duke of Lorrain, and all the other princes in amity with her, not to suffer the pretender to reside in their dominions. In the house of lords the address was opposed by nobody but the lords North and Gray, who asked where they would have that person to reside, since most, if not all the powers of Europe were in amity with her majesty? He was answered by the lord Peterborough, "that as he [the pretender] had begun his studies at Paris, the fittest place to improve himself was Rome." In the house of commons, it was opposed by Sir William Whitlock, who remarked, that the like address had been made to Oliver Cromwell for having Charles Stuart removed out of France, notwithstanding which, he was some

time after restored to his father's throne. To these addresses, whatever might be her feelings respecting them, her majesty replied with courtesy, though it does not appear that her ministers took any decisive steps in consequence of them.*

On the sixteenth of July the parliament was dissolved, with thanks from the queen for the good service they had done the public. To the commons especially, she acknowledged particular obligations for their affection and duty to her, by which they had shown themselves the true representatives of a loyal people, which was understood as an indirect though earnest recommendation of them, and such as adhered to their principles on the ensuing election. "She doubted not, at the next meeting, the affairs of commerce would be so understood, that the advantageous conditions she had obtained from France, would be made effectual for the benefit of the British trade; and she hoped to meet her parliament next winter, resolved to act on the same principles, and with such vigour, as should enable her to support the liberties of Europe, and reduce the spirit of faction at home."†

In the interval between the dissolution of the old and the meeting of the new parliament, and during the elections, the forward insolence of the Stuart faction demonstrated that they considered the victory won, and every thing nearly ready for their complete triumph; ‡ while the universal dispersion of pamphlets written in defence of the pretender's title and character, with the open appearance of many who had been outlawed, as his friends, gave ample proof of the confidence they had in the present managers as their friends.

The office of secretary of state for Scotland, which had lain vacant since the death of the duke of Queensberry, was now

* Supplement to the History of the reign of Queen Anne, p. 234.

† Ibid. p. 237.

‡ At the election of Lockhart of Carnwath, the populace of the Scottish metropolis assembled round the statue of Charles II. in the Parliament Square, where, with tumultuous joy, they drank to the health of the queen, the dissolution of the Union, and the hereditary descent of the crown. In the same riotous mood they proceeded to the market cross, filling the city with the deafening noise of their treasonable acclamations. *Vide* Publications of that time.

bestowed upon the earl of Marr, through the joint concurrence of Oxford and Bolingbroke, both of whom confided in him as a very proper person to manage the election of the Scottish peers, in which it was determined, if possible, to prevent the re-election of lord Ilay. In this they succeeded, but by their success, they lost for ever the favour of Argyle, who had been of late very much at their service.

The new parliament, after many prorogations on account of the queen's health, was opened, by commission, on the sixteenth of February, 1714, and though the tory party was not quite so strong in point of numbers as in the last parliament, it consisted, according to Lockhart, "of a set of gentlemen very tight, and more zealous for the king's restoration, there being a great many young members, keen and wanting only to be led on to action, so that, although the tories had not so great a majority as before, they consisted of a much more united hearty set of men than had been assembled together for many years preceding, and were willing and sufficiently able to have acted their parts, had not the court tricked them with dilatures till the golden opportunity was past."* Their hopes were, however, very much damped in the outset, by the nomination of Sir Thomas Hanmer to the speaker's chair. He had acquired great popularity by the bitterness of his opposition to the commercial treaty, and was recommended by some of the leading whigs as a person every way qualified for the situation, and being a pretty high tory, though a Hanoverian one, the party could not object to him, and he was elected without opposition.† This circumstance excited great jealousy of the ministry, and no small degree of enmity against them, on the part of the Jacobites.

Peace was proclaimed with Spain on the first of March, and, on the day following, the queen went to the house of lords, and addressed the new parliament. She expressed her satisfaction in being able to announce the ratification of the treaties of peace and commerce with Spain, promising that no exertion should be wanting, on her part, to complete the

* Lockhart Papers, vol. i. p. 439.

† Supplement to the History of the reign of Queen Anne, p. 256.

settlement of Europe. She congratulated her subjects upon their deliverance from a consuming war, accepted of the general joy expressed for her recovery, as a grateful return for the tenderness and affection she always exercised towards her people, and wished that more effectual care had been taken to suppress seditious writings, and factious rumours, by which public credit had been depressed. She spoke with great warmth on the malicious intentions of those who talked of the protestant succession being in danger under her government, and hoped they would all agree with her, that attempts to render the crown uneasy to her, could scarcely be the means of strengthening that interest. She concluded with asking supplies for the service of the current year, and claiming the parliament's assistance in procuring such fruits from the peace, as might render it a blessing to the present age and to posterity.*

Addresses from both houses were returned every way such as her majesty could have desired. The lords testified the highest indignation against the authors and dispersers of seditious papers, and at all who insinuated that the protestant succession was in danger under her majesty's government, and the commons, while they expressed astonishment at such malicious surmisings, declared their entire satisfaction with the securities by which that succession was established. The value of this unanimity in loyal zeal, however, may be estimated, from the circumstance of both houses hastening to the discussion of these very topics, upon which they mustered all the strength of their respective parties, and poured out upon each other all the bitterness of the most rancorous hostility.

Among the squadron of pamphleteers, which the administration kept in constant pay, by far the ablest and the most conspicuous was the celebrated Dr. Swift, who had lately published a most acrimonious attack upon the Scottish nation, which he entitled *The Public Spirit of the Whigs*, and in which he indulged, in a more than ordinary degree, that scurrilous sarcasm, for which he will probably be remembered as long as

* Sommerville's History of Great Britain, &c. p. 349. Supplement to the History of the reign of Queen Anne, pp. 256, 257.

English literature. This pamphlet, under the authority of her majesty's reference to libels, the lord Wharton complained of the very day the address referred to was voted by the lords; and, a few passages being read, it was immediately voted to be a false and malicious libel; and Morphew, the printer, and Barber, the publisher, together with their servants, were ordered into custody. After undergoing separate examinations, however, they were discharged without having made any discovery of the author. The author was, indeed, safely concealed under the care of the ministers themselves, some of whom there was good ground for believing had been, if not art and part in the writing his pamphlet, at least privy to its publication, but, by professing great zeal against the author, and showing apparently great alacrity in adopting measures for his discovery, they succeeded in screening him from that vengeance which his enemies had hoped to inflict upon him.*

A more successful attack was, at the same time, made in the house of commons upon Sir Richard Steele, a member of that house, an author of great merit, and a distinguished champion of the whigs, on account of three several pamphlets, *The Englishman*, *The Crisis*, and *A Letter to the Englishman*, each of them subscribed by his name. Of some of these pamphlets Sir Richard was not the author, but instead of revoking or attempting to soften any thing in them, he added to the provocation, by the most pointed declamation against the measures of administration, and declared that he had written and published these pamphlets with the same cheerfulness and satisfaction with which he had abjured the pre-

* The queen herself went most cordially into the measures adopted for discovering the author of this pamphlet, from a strong prejudice which she entertained against Swift. This prejudice she had imbibed from Dr. Sharp, the late archbishop of York, who, when some one recommended Swift for a bishopric, advised her majesty first to make him a christian, and it was strengthened daily by the dutchess of Somerset, who supposed herself to have been ridiculed by Swift in his *Windsor Prophecy*. Dr. Sharp was not alone in his view of Swift's character. Dr. Smalridge, when Sacheverel attempted to flatter him, by supposing him the author of *The Tale of a Tub*, answered with indignation, "Not all that you or I have in the world, nor all we ever shall have, should hire me to write *The Tale of a Tub*."—Sheridan and Johnson's *Lives of Swift*.

tender. He was supported by all the eloquence of the whigs, particularly by Mr. (afterwards Sir Robert) Walpole, who denounced, in a strain of the keenest invective, the lord treasurer Oxford, as the patron of all the seditious publications, that, to the endangering the protestant succession, had of late inundated the nation. The tories, confident in their numbers, spared themselves the trouble of elaborate replies, and the motions, finding the pamphlets seditious, and expelling Sir Richard the house, were carried by sweeping majorities.

Though the tories were thus upon the whole still triumphant, from the now but ill dissembled enmity of Oxford and Bolingbroke, the interests of the pretender, it was feared by his friends, and by none more than the Scottish Jacobites, were not attended to with that watchful diligence which was necessary to bring them to a speedy and a favourable conclusion; and when they reflected upon the state of the queen's health, and the little probability of its being restored, they were filled with the most painful misgivings. It was, therefore, determined that lord Bolingbroke, for they began now to despair of Oxford, should be conversed with upon the subject, and urged to more energetic measures, which, if he declined to adopt, he was to receive the support of the party no longer. Mr. Lockhart of Carnwath and Sir John Packington were the deputies employed on this occasion. They were to represent particularly the shameful neglect of the army, that had hitherto been officered only by men of dangerous principles, and to insist upon its being purged with all convenient speed, and placed under the direction of persons known to be well affected to the church and the crown, "all which was done," says Lockhart, "in as plain and simple a manner as possible."

Bolingbroke confessed "he was sufficiently sensible that a great deal of precious time had been lost, and many good opportunities neglected, and, for his own part, he was innocent thereof, and the whole blame lay upon lord Oxford; what that lord's private views might be, he could not divine; but he believed he had now, in a good measure, convinced the queen, that they were not such as she wisht and approved of, and would terminate in her own and her family's ruin, and

he hoped that lord would not have it in his power to retard business as he had done.”* At the same time, his lordship stated, that the utmost degree of prudence was necessary with the queen, who could not easily be persuaded to lay aside the good opinion she had entertained of my lord Oxford, and, therefore, they behoved still to have a little patience, lest he should fly off, and, joining with the whigs, add to the many difficulties that already lay in the way of their favourite object. His lordship’s apology, however reasonable, was not at all palatable to the deputies, who either did not understand, or did not sympathize with him under his already multiplying embarrassments; and they threatened his lordship, though they would not desert the queen, with the adoption of such measures as they thought most conducive to their purposes, without regard to the views either of himself or lord Oxford. When they applied to their brethren, however, “they found so many, even honest, well-designing persons, wheedled over by my lord Bolingbroke, that they were constrained to suspend the execution of several material projects which they had formed.”†

One of these projects was another attempt at dissolving the Union, which we find Lockhart pressing upon his four associates—of whom we have already taken notice, as so successfully prosecuting their enterprises against the Scottish church—as what was necessary for compelling the ministry to greater activity, and as what, in the present state of parties, with prudent management, they might easily obtain. Three of these gentlemen, however, Mr. Murray, Mr. Carnegie, and Sir Alexander Cuming, in prospect of advancing their own personal interests, “had been at a good deal of pains to ingratiate themselves with the lord Bolingbroke; they fawned upon and flattered him to an intolerable degree, and devoted themselves absolutely to him; which suiting with his vanity, they became his particular favourites, and, looking upon him as the rising sun, they expected mighty things from him, and gave themselves prodigious airs, as if nothing relating to Scotland should have its rise and proceed but from and by

* Lockhart Papers, vol. i. pp. 441, 442.

† Ibid. p. 442.

themselves." The consequences of so much expectation were such as every reader will readily anticipate: "they opposed what Lockhart aimed at with a great deal of warmth; they said that my lord Bolingbroke was a good man and a wise man, and knew what was fit to be done and when to do it; that for any private set of men to pretend to drive the ministry, was taking too much upon them; that, for their parts, they would have no concern in such measures, and, if others did pursue them, they did not doubt but they would repent it."*

An union of views, that had continued for so many years, was thus at once broken up; and that, too, at a time when unanimity was of the last importance. After a few weeks, however, they agreed to make one effort more in behalf of the Scottish episcopalians; and Lockhart, who had already given abundant proofs of his zeal, was again employed as the framer of a bill to be brought into parliament, "for resuming the bishops' revenues in Scotland, and applying the same towards the relief of the episcopal clergy, and the support of such ministers as should accept of, and lay claim to the benefits of the toleration act." Lockhart was at first rather shy; but, after being assured that the queen was sincere and hearty in the measure, looking upon the application of these revenues to other uses as nothing less than sacrilege, and that he might expect the hearty concurrence of both Bolingbroke and Marr, he seems to have entered upon the project with his usual warmth, and without any loss of time or trouble, as he had a bill lying by him to that effect, that he had intended to have brought forward several years previous to this. A difference, however, happily arose among them, respecting the extent of the resumption, some of them wishing, for the sake of their friends who enjoyed salaries there, to spare that which had been granted to the universities, while others, among whom was Lockhart himself, insisted that it should be an unlimited and unconditional resumption, very justly, in their own way, regarding that part which was bestowed upon the universities the most mischievously applied of the whole, "seeing these universities at present were seminaries of rebellion and

* Lockhart Papers, vol. i. p. 444.

schism.”* Owing to this difference of opinion, some of the party became, first scrupulous about the propriety of prosecuting the subject, then cold supporters of it, and at last its avowed enemies. Some of the nobility, too, had, in the meantime, represented it to the queen as a measure fraught with danger to the internal tranquillity of the country, which awakening her fears, she declared she would withhold her assent to the bill, should it even pass both houses, and it was dropped, though with great reluctance.

A plan was also brought forward for new modelling the Scottish militia, and assimilating it exactly to that of England. This also met with violent opposition from many of the Scottish members, who, by dexterously taking advantage of a thin house, succeeded in postponing the discussion to a day so distant, that the parliament was prorogued before its arrival, and the measure, of course, fell to the ground.

During this session, the subject of the succession was often introduced, and addresses were carried in both houses, for having the pretender removed from Lorrain, where he had resided since, in terms of the peace, he had been obliged to leave France. It was, at the same time, proposed to set a price upon his person, dead or alive, which was violently opposed by the party supposed to be his friends; yet, not long after, the queen, of her own accord, and without any previous notice, moved in the council that a reward of five thousand pounds should be offered for his person, should he attempt to land in any part of her dominions; which the house of commons next day voted should be made one hundred thousand.† What moved the queen to take such a course has never been fully explained. The probability is, that amidst the clamour of faction, which was every day becoming more appallingly terrific, and the extreme avidity manifested by both the aspirants to the succession, she was seized with the terror of having them both in England at the same time; in which case, she seems to have thought, that her own authority would be of very little consequence. It is impossible, indeed, to conceive

* Lockhart Papers, vol. i. pp. 447, 448.

† Supplement to the History of the Reign of Queen Anne, p. 303. Lockhart Papers, vol. i. p. 471.

of any situation more unhappy than that in which her majesty was now placed by this struggle of contending factions. With a degree of prudence, which forms the brightest lineament of her character, she laboured to conceal her partialities, though they were most certainly not in favours of Hanover; and while she was agitated with conscientious scruples, in possessing a throne to the exclusion of the legitimate heir, and solicitous to make compensation by securing to him its reversion, she was not less solicitous for the welfare of her subjects, and the preservation of the protestant religion, to which, with all her weaknesses, there is every reason to think she was a true convert. Her attachment to this religion she had made known to her brother, the pretender, as he was styled, and she had made his conversion to it the term upon which alone she could really and effectively befriend him. This term he had obstinately rejected, and, by so doing, had deeply offended her. Now, however, there appeared, on his part, some disposition to relent. Either by chance or choice the most part of his popish followers were absent from his court; the famous nonjuror, Lesley, was sent for to officiate to those protestants that were with him at Bar-le-duc, and he himself wrote a letter to a person in England, highly recommending the doctrines of the episcopal church, and promising to give every reasonable security in its behalf, all his desire for his subjects being "to make them a flourishing and happy people."* This, while it tended to sooth her vanity, and to re-invigorate her declining affection, by inflaming the zeal of all who felt interested in the protestant succession, and exciting their efforts for its preservation, awakened her fears, and threw her into a state of indetermination, that every day became more distressing. The natural vacillation of her temper was also, at this time, greatly aggravated by the efforts of the persons about her, in whom she placed the greatest confidence. On the one hand, lady Masham wrought on all her family partialities, and was the agent of continual representations from the courts of St. Germain and Versailles; on the other, she was assailed by the dutchess of Somerset, who, like the

* Stuart Papers, 1714.

dutchess of Marlborough, no less artfully wrought on her dread of popery, and zeal for the protestant faith."* But whatever were the motives which prevailed with her majesty to issue the above proclamation, the effects were greater than, perhaps, either party could have anticipated. Lockhart says, "that whilst the Jacobites solaced themselves with the hope of the speedy restoration of the king, and were impatient for the word, to fall on and effectuate what they had so long desired and aimed at, their wine was suddenly mixed with water, and they met with what vexed and surprised them exceedingly," [viz. the above proclamation]. "The whigs," he adds, "looked on this as so mighty a turn in their affairs, that I heard the earl of Stair say, in the court of requests, he looked upon this as the most glorious day Britain had seen of a long time."†

Though the prospects of the Jacobites, previous to this unexpected act of the queen, were thus cheering in England, they do not appear to have been mending much in Scotland for a considerable length of time. The warning emitted by the commission of the General Assembly against popery, and the increase of Jacobitism during the preceding year, appears to have awakened a very general interest throughout the country, and to have called forth the exertions of the friends of the Hanoverian succession in no ordinary degree. This warning, the General Assembly, which met at Edinburgh, on the sixth day of May, 1714, took care particularly to approve, "as seasonably impressing the minds of the people, with loyalty to her majesty, firmness to the protestant succession in the house of Hanover, and just aversion to the pretender, which they followed up, by an address, containing a very plain statement of sundry grievances, of which, the encroachments of the nonjuring episcopalians appear to have been none of the least; and in replying to her majesty's customary assurances, "of her care to promote true piety and godliness, by employing such persons, as shall be faithful, in duly executing the laws, against profaneness and immorality," they observe with no little point, "We humbly presume to persuade ourselves, that

* Coxe's *Life of Marlborough*, vol. iii. pp. 553, 554.

† Lockhart Papers, vol. i. pp. 471, 472.

your majesty will, in your royal wisdom, find out such means as shall be most proper for making your religious purposes more effectual, than, to our deep regret, they have hitherto been !”*

This assembly presented a congratulatory address to her majesty, upon her recovery from sickness—passed an act, for the better execution of the laws against profaneness—for further regulating the trial of probationers—for discouraging unworthy bursars, and for restoring and preserving unity in this church. They also published an act and recommendation, in favours of the society for propagating christian knowledge, which is stated to be already maintaining seventeen schools, in some of which, there were not fewer than one hundred and eighteen scholars, and an act for procuring the better execution of former acts against popery, and for preventing the growth thereof. This assembly, also “confirmed a sentence of the synod of Lothian, appointing Mr. James Webster, or any who will join with him, in charging Mr. John Simson, professor of Divinity at Glasgow, with error, to table their complaint before the presbytery where he lives, and allowing any person, or persons, that are willing to assist Mr. Webster in that pursuit, in point of form, to give him their assistance, and declaring, that by so doing, they shall not be accounted libellers, unless they engage in the cause.”†

Great progress was, in the meantime, making in the change of persons who held offices of trust, both in Scotland and in England. Thomas Kennedy and John Carnegie of Boisack, two notorious Jacobites, were appointed, the former lord advocate for Scotland, and the latter, solicitor general. The former of these offices, had been in the possession of Sir James Stuart, from an early period, in the reign of king William, till a little after the Union, when it was conferred on Sir David Dalrymple, who, as we have already stated, was removed, on account of the pretender’s medal, presented to the faculty of advocates by the dutchess of Gordon. The office was again bestowed upon Sir James, who held

* Acts of Assembly, 1714.

† Index to Unprinted Acts of Assembly, 1714.

it till his death, which happened somewhat more than a year previous to the appointment of Mr. Kennedy. The ministry, according to Lockhart, had determined on letting the office fall, and applying the money to their own purposes; but the outcry of the people, seconded by the earl of Marr, at whose instance Mr. Kennedy was appointed, altered their determination. The place of solicitor, had been filled by Sir James Stuart, son to the late lord advocate, who was equally obnoxious with his father to the Scottish Jacobites, and they had long laboured to have him displaced, but without effect, till now, that, by a speech in the house of commons, he so exasperated the whole party, that a peremptory message was sent to lord Oxford, immediately to dismiss him, or they would move the house to address the queen to that effect. With this request, Oxford thought it prudent to comply, and the place was, at the instance of lord Bolingbroke, bestowed upon his friend and dependant, Mr. Carnegy.*

It was about the same time that the duke of Argyle was under the necessity of selling his troop of Scottish horse guards, and the earl of Dundonald, being well affected in a certain quarter, was pitched upon as a proper person to buy it. The earl of Stair, who was known to be zealous for the protestant succession, and whose influence in Scotland was greatly feared by the tories, was also called upon to sell his regiment of Scots Greys to the earl of Portmore, in whose hands, it was thought, they would be in safer keeping. It had also been the intention of Bolingbroke and Marr, to have all the lord lieutenants of Scotland appointed from among their own creatures, and thus they would have had the whole militia of Scotland entirely at their own disposal; but it failed, as did the whole project at last, from the want of cordiality, or rather from the inveterate selfishness of the parties, who could never so far master their individual propensities, as to bring their united strength to bear upon the grand objects of their ambition.

It cannot be denied, but that, at this time, the prospects of the Jacobites were of the most flattering description, yet

* Lockhart Papers, vol. i. pp. 458, 459.

there were dark shades in the distance, indicating a storm, that would require to be met with prudence and unanimity. Among the mob of England, the cant of the king and the church had been pretty generally diffused. "Men were almost openly enlisted for the service of the pretender, and his health, as James VIII., was as openly pledged, at numerous meetings and clubs, held by Jacobites of all ranks and denominations in the metropolis."* But loyalty and devotion, by a warm fireside, over a good dinner, and plenty of wine, and the same qualities in the tented field, where all that the many can reasonably expect is hard fare, hard blows, and unprofitable honour, are very different things, as the friends of James found to their cost, when they afterwards made the experiment. There was also a numerous and powerful party, equally ambitious with themselves, who were set upon maintaining the liberties of the kingdom, and the protestant succession, whatever it might cost them, and who were equally zealous in their preparations, and in as much as the law was yet upon their side, could do so, with far more effect. They possessed also great advantages over their opponents, in case of coming suddenly to extremities, in having the principal military characters in the kingdom, Marlborough, Argyle, Cadogan, Stanhope, and Stair, entirely of their party.

In Scotland, where the pretender's friends, if not the most numerous, were always understood to be the most forward, and being less accustomed to the sweets of a peaceful and luxurious life, and having less to lose, were more likely to come forward in his behalf with the first opportunity, matters were scarcely more favourable. The consultations of the disaffected had been long openly, though artfully carried on, under the cover of hunting matches, and horse races, where the orgies of dissipation were probably as much attended to as those of rebellion.† On the contrary, the well-affected met

* Coxe's *Life of Marlborough*, vol. iii. p. 559.

† The following is an account of one of these masked meetings, from a publication of the time:—

"Upon Saturday, the 29th of May, there was a great confluence of gentlemen and country people, at Lochmaben, on the occasion of a horse race there; two plates, which were the prizes, had peculiar devices; the one had a woman

openly and avowedly, for the purpose of supporting the dignity of the laws, and counteracting these secret machinations—published their resolutions to the world, calling upon all their fellow subjects, to unite in defeating the intrigues of a restless and abandoned faction, which, in the paltry hope of personal aggrandizement, was about to plunge the nation into all the horrors of civil war, in order to subject it, in the issue, to the misrule of the emissaries of France and of Rome. Nor did they content themselves with holding public meetings and publishing resolutions. They also set about providing arms and ammunition, plenty of which they obtained from Holland, through the connivance of the custom-house officers, all of whom, Lockhart informs us, were “notoriously disaffected to the queen’s present administration.”*

Among those who distinguished themselves in this manner, the Hanoverian club at Edinburgh deserves to be mentioned with peculiar honour. This club was formed by the earl of Buchan, his brothers, Thomas and Charles Erskines, Mr. George Drummond, Mr. Alexander Campbell, commissary of artillery, Robert Stuart, one of the regents of the college

with balances in her hand, the emblem of justice, and over the head was *Juritia* (Justice), and at a little distance, *Suum Cuique* (to every man his own). The other, had several men with their heads downwards, in a tumbling posture, and one eminent person erected above the rest, with that scripture, Ezek. xxi. 27. “I will overturn, overturn it; and it shall be no more, until he come; whose right it is and I will give it him.” After the race, the popish and Jacobite gentry, such as Francis Maxwell of Tinwall, John Maxwell his brother, Robert Johnston of Wamphrey, Robert Carruthers of Rammerscales, the master of Burleigh (who is under the sentence of death, for murder, and made his escape out of the tolbooth of Edinburgh, a little before he was to have been executed), with several others I could name, went to the cross, where, in a very solemn manner, before hundreds of witnesses, with drums beating, and colours displayed, they did upon their knees, drink their king’s health. The master of Burleigh, began the health, with a God damn them that would not drink it, &c. The year before, they had another such meeting, on the like occasion, in the same place; and their plate had the king in the royal oak, with this inscription, “God will restore;” and medals were produced, with the pretender’s head on the one side, with this motto, *cujus est* (whose right it is), and on the reverse, Britannia, or the Islands of Great Britain, with this inscription, *reddite*, (return). But yet the government took no notice of them.” Rae’s History of the Rebellion, pp. 49, 50.

* Rae’s History of the Rebellion, pp. 41, 42. Lockhart Papers, vol. i. p. 465.

of Edinburgh, Mr. James Nimmo, John Martin of Ayres, &c. &c. and was of singular use in discovering, by its watchful vigilance, every motion of the Jacobites and their friends, whether at home or abroad, and by the vigour of its correspondence, keeping alive the zeal and spirit of the people in every quarter of the country, especially in the south and in the western shires, where, in particular places, the Jacobites were numerous and powerful. In consequence of the advice and information of the above gentlemen, a meeting was held at Dalmellington, in Kyle, in the month of March, where it was unanimously resolved, that the imminent danger to which the civil and religious liberties of the nation were exposed, from "the growth of popery, and the insults of papists and Jacobites upon our laws and constitution," it was become necessary, "for strengthening one another's hands," to lay down measures for their joint security.

In pursuance of these measures, particular meetings were kept in the several districts for training the people to the use of arms, that so they might be in a condition to defend themselves, their religion and liberty, by whom, or whensoever they might be attacked. Considerable sums of money were also advanced by the well disposed, with whom the ministers of the gospel generally concurred, for providing arms and ammunition for such as had not the means of providing themselves with these now necessary articles; and, as they had nothing in view but the preservation of that succession which had been established by act of parliament, and for which the ministry had hitherto made her majesty, in all her public speeches, express the highest deference, they supposed themselves to be performing nothing more than the duty of affectionate and loyal subjects. Had they been acting for the pretender, they had certainly been overlooked, if, like the highland clans, they had not been rewarded for their diligence; but the army had occupied too much of the attention of Bolingbroke and his associates of late, and excited their fears too sensibly, for them to suffer such formidable preparations in aid of it quietly to take effect. Orders were instantly sent down to seize upon their arms and ammunition, and these orders the Jacobites showed an extreme avidity to

execute. Few discoveries of either arms or ammunition, however, were made; and, though a serjeant belonging to the castle of Edinburgh, named William Scott, was discovered training some young men in a malt loft, and thrown for a few weeks into prison, he was no sooner liberated, than he was sent for by the gentlemen and ministers of Penpont, with whom he continued, assisting them in training their dependants, till the decease of the queen, after which, the government rewarded him with a pair of colours.*

The trying crisis had now, however, arrived with the ministry. The session of parliament had been purposely shortened, in order to allow them to pay undivided attention to the vast project they were pursuing. The daily decaying strength of the queen, too, admonished them to quicken their progress if they meant to be benefited by her assistance. Their principal leaders were Oxford and Bolingbroke, the former, a man of popular manners, and of considerable talents for business, but vacillating in his views, feeble in forming combinations, and tardy in drawing conclusions; too ambitious to be at rest, and too timid to run the risk of new and untried measures; the latter, a scholar and a wit; celebrated for a fine person, a courtly bearing, a free vein of poetry, and beautifully classic speeches; but to judgment, a mere pretender, vain, superficial, sophistical, and silly. A freethinker in religion, and a libertine in morals, he yet, by his zeal for the church, which seemed to know no bounds, and had been particularly displayed in forwarding the schism bill, had attached to him all the Jacobites and the high tories, and his vanity, or his ambition, led him to think he could accomplish singly, what had certainly been too hard for him and his colleague, though in counsel and in effort they had been perfectly united.

Oxford had attained his present elevation through the influence of Mrs. Masham, a needy relation of the dutchess of Marlborough, whom she introduced into the queen's service as her tiring woman, and he had carried along with him Bolingbroke, then only Mr. Henry St. John, as an useful auxiliary;

* Rae's History of the Rebellion, pp. 41, 43.

whom he hoped to serve himself by, and, at the same time, keep in a state of humble dependance. But Mr. St. John had a far higher opinion of his own abilities, than to act in a subordinate capacity any longer than necessity required it, and the weakness of his master, which, though he had no great degree of penetration, he knew enough of the world readily to discover, the nature of the business he was employed to transact, and the good graces of the then medium of political power, Mrs. Masham, which, partly by flattery, and partly by more solid services, he very soon obtained, gave full scope to his ambition, gratified his vanity, and made him little solicitous to conceal those ideas of gigantic superiority that had now taken possession of his whole soul. This, in the nature of things, could not fail to be peculiarly galling to Oxford, who, no doubt, fancied that he was entitled to a far different return, and, if it had been possible for him to have accomplished it, would gladly have reduced his ungrateful dependant, and now rival peer, to plain Mr. St. John, leaving him to find office and influence in the best manner he could. But this was now impossible. St. John had been his principal agent in all the dirty work which the demon of party had led him to undertake. He had negotiated for him—in a very bungling style it is true—by the assistance of Matthew Prior, a man, like himself, of loose morals, but a poet and a wit, those treaties, which at once compromised the interests and the honour of the nation; he was acquainted with all the intrigues carried on with the French king, and his puppet, the pretender, and for Oxford now to have shaken him off, would have been to throw him into the arms of the dreaded whigs, to have encountered an immediate impeachment, and perhaps, to have paid for his imprudence with his head.

But Oxford, though he was, from motives of interest, prevented from breaking with his colleague, had not failed to take prudential measures for his own safety, and, probably for fear of the worst, had, from the outset of his career, been averse from driving the whigs to extremity. To the schism bill he was most certainly averse; and, to the purging of the army, as it was called, he showed great reluctance. He had, indeed, all along, incurred no small degree of reproach from the

Jacobites, for allowing so many places of trust, to be filled by men avowedly friendly to the protestant succession. Nay, he had again and again gone the length of proffering his best services, and expressing his devout veneration and respect to the illustrious house of Hanover, all which, though in the issue, highly advantageous to the interests of liberty and the aggrandizement of that noble family, did not, in the slightest degree, answer the end he had in view—the preservation of his own power. The artful duplicity of his character he had indulged so long, and exercised so successively upon all parties, that to all he was become alike contemptible. At the court of Hanover, his expressions of veneration and respect were considered as artfully offered to conceal his views, and divert their attention from that quarter where his real services were more effective. The whigs were too sharp sighted to be duped by any thing he could say, and too inveterate to be joined with him in any thing he might do. His associates, sick of his procrastinating policy, and terrified every day on account of the increasing illness of the queen, were resolved, at all events, to act without him, if they could not prevail on her majesty to dismiss him. Her majesty's affection was now, indeed, his only dependance, and that he possessed it at one time, in a very high degree, cannot be doubted; but, even in this quarter, every thing was now against him. The queen was in the dotage of a mortal disease; she was beset by lady Masham, whose affections Oxford had alienated, by his opposition to the grant of a pension, and other emoluments, which that lady was anxious to obtain; and, in return, she lost no opportunity of representing him, as “the most worthless and the most ungrateful of men.”* Her majesty was also wrought upon by Bolingbroke, with all the arts of courtly cunning which he could command. This crafty and disingenuous politician, artfully affected to develope the intrigues of Oxford with the court of Hanover, and even accused him of caballing with the duke of Marlborough, who appears to have been an object of peculiar terror to her majesty. Habit, however, and the remains of affectionate partiality for the minister

* *Vide* Swift's Letters. Letter from Lady Masham to Swift, 29th July, 1714.

who had delivered her from the control of the whigs, together with the natural indecision of her majesty's character, protracted his fall, and it was not till sentence was passed upon him by the courts of Versailles and St. Germain, that she consented, and even then, not without a violent struggle, to dismiss the lord Oxford from her service.*

Bolingbroke, full of himself, goaded on by the Jacobites, who now regarded him as the sun of all their hopes, and flattered by Mrs. Masham, the agent of the French court, though concealed under the name of that of St. Germain, with the idea of holding in his hands the destinies of two kingdoms, seems no sooner to have learned the queen's determination with regard to Oxford, than he was eager to have it put in execution, and "it was not long before he found means to let him [Oxford] know, that it would be taken kindly if he would resign." Oxford was, however, far too fond of place and power, and had too much contempt for the person who was supplanting him in the royal favour, to attend to any such innuendo. Accordingly, as he himself informs us, "There being no other method, they were at length obliged to let him know, that it was her majesty's pleasure he should resign."† In consequence of this notice, Oxford repaired into the presence of the queen, July twenty-seventh, 1714, to deliver up his badge of office, when an indecorous altercation ensued between the two principal rivals for power, Oxford and Bolingbroke, which, regardless of their own characters as courtiers of the first rank, or of the royal presence, bowed down with sickness and pain, was continued till two o'clock in the morning, with every circumstance of vulgar insult, and confirmed animosity.

In this war of words, however, Oxford appears to have been

* "These courts [St. Germain and Versailles] finding that Oxford constantly eluded their demands for a restoration, and deceived them by repeated promises, which were never fulfilled, made lord Bolingbroke the agent of their schemes, and the channel of their communications, and hoped through his ministry to gain the object of their wishes. We learn from the authentic history of the duke of Berwick, who managed the secret correspondence with the Stuart party, that this was the real cause of Oxford's removal, and that his disgrace excited the most sanguine hopes of success." *Coxe's Life of Marlborough*, vol. iii. p. 578.

† Secret History of the White Staff.

much the greatest proficient, and probably made a very great impression, both on the feelings and the sentiments of the queen. He first expressed to her majesty, the entire satisfaction he felt in laying down "what he never, but with a view to her majesty's interest, enjoyed with any comfort. That the only grief he felt in his removal, was the assurance he had, that those who pretended to succeed him, would embark her in impracticable schemes, which, if her majesty's own wisdom did not prevent, it would be her ruin." He artfully took the whole credit to himself, of having brought her safe through four tempestuous sessions of parliament, and into the view of that general tranquillity of Europe, which he knew had lain so near her heart, and which the men she was about to employ would prevent her subjects from ever enjoying; and while he expressed his full conviction of her majesty's settled resolution to preserve the succession in the house of Hanover, declared it to be unalterably his opinion that the safety of her majesty's person and reign, as well as the peace of her dominions after her decease depended upon preserving that succession inviolable. These statements were certainly admirably calculated for working upon her majesty's fears, out of which, it must be confessed, the best measures of her government had been elicited, and had life and health been prolonged to her majesty, might have been followed with the most beneficial results; but when he turned upon those who, but a few minutes before, had been his brethren in office, and, with that effrontery, which seems to have formed a principal ingredient in his character,* told them plainly how unequal they were to the burden they now pretended to take upon them; how disregardful they were

* The well known anecdote of Rowe the poet, sets this part of Oxford's character in a very strong light. Nicholas Rowe was a gentleman of fortune originally, at least, equal to Oxford, and, in talents natural and acquired, much his superior, though he never rose to be a minister of state. Having been advised to apply to Oxford for some public employment, Oxford asked him if he understood Spanish? Answering in the negative, he was enjoined by the great man to study it. Having spent six months in acquiring it, the poet returned, thinking himself sure of some honourable situation, Well, said the great man, have you acquired Spanish? Yes, said the poet. Then you will have the pleasure of reading Don Quixote in the original, and it is the best book in the world, was all the reply!

of the public tranquillity, in comparison with their private advantages; that they hazarded nothing, their lives and fortunes not being to be named in the same hour with the repose of their sovereign, whom they were drawing into inextricable labyrinths—and especially, when he began to reckon up the several exigences they had by their precipitant counsels brought things to in their former management, the scandal of which lay upon him—and how often he had extricated them, when they were ready to desert both their country and themselves for fear of public justice; ridiculed their new schemes, and the impolicy of their measures, telling them to what distresses they would speedily reduce themselves, what a debt they would owe to the national justice at last, and how unwilling they would be to pay it;* the conclusion is irresistible, that his vanity was greater than his judgment, and his profligacy equal to both.

What effect such a scene must have had upon the queen, a timid woman at best, and now weakened by long and painful illness, may be much easier conceived than described. Most probably it altered those views which she had been supposed for some time to have entertained, for Bolingbroke did not succeed to the treasurership as had been expected. It was bestowed temporarily, as has been supposed, upon the duke of Shrewsbury, which was at once a death blow to the expectations of the Jacobites. However, every thing after this with regard to the political views of her majesty is mere conjecture, as she retired, if not actually in fits, in a state of the most pitiable agitation, which subsiding into a lethargy, was only broken at intervals by strong convulsions, till, on the third day after, August the first, 1714, she died, about half-past seven o'clock in the morning, in the fiftieth year of her age, and thirteenth of her reign.

In the person of Anne, may be said to have terminated the kingdom of Scotland, one of the most ancient monarchies in Europe, and the ill-fated dynasty of the Stuarts; for though the race was prolonged for a few generations, and though they were still by courtesy styled royal Stuarts, they were to the last sojourners in a strange land, having no certain dwelling-place, nor any certain means of subsistence, save what their

* Secret History of the White Staff, pp. 53—58.

misfortunes extorted from the compassion of their friends, or the generosity of their rivals.*

Like every other public character, that of queen Anne has been represented in very opposite colours, accordingly as the writers were actuated by particular passions, or under the influence of certain prejudices. From the history of her actions, which we have attempted to delineate with the strictest impartiality, it is evident she had no very marked character, and cannot, with strict propriety, be denominated either a very good, or a great woman.

In her person, she was well made, of the middle stature, dark haired, of a sanguine complexion, with strong but not irregular features, and her countenance upon the whole rather dignified than pleasing. In acquired abilities she seems not to have

* James VII. died at St. Germain's in the month of September, 1701, leaving one son, James, born in the year 1688, who died at Rome, January first, 1766, leaving two sons, Charles, the Pretender, as he has more commonly been styled in this country, and Henry, who entered into orders, and obtained a cardinal's hat at the age of twenty-two, from his holiness, Benedict XIV. He became afterwards bishop of Trascati, and chancellor of the church of St. Peter. He had also two rich livings in France, the abbeys of Anchin and St. Amand, and a considerable pension from the court of Spain, all of which he lost at the French Revolution. In 1790, in order to assist Pope Pius VI. in making up the sum imposed upon him by the government of France, the cardinal disposed of all the family jewels, among others, an uncommonly rich ruby, valued at fifty thousand pounds, thus depriving himself of the last means of an independent subsistence, and was, in consequence, reduced to great distress. In this situation, old, infirm, and poor, he emigrated to Venice, where Sir John Hippesley Coxe was made acquainted with his circumstances, and communicated them to the British government. His late majesty George III. with that goodness which so eminently distinguished his character, immediately ordered his minister at the court of Venice, to offer the cardinal, with all possible delicacy, a pension of four thousand pounds per annum, which was accepted with gratitude, and regularly remitted till the cardinal's death, which happened at Rome in the year 1807, in the eighty-second year of his age.

The cardinal dying the last of his race, bequeathed to the royal family of Great Britain, the English stars and garters which had been in his family, together with certain papers relative to the monarchy of that country; and his present majesty George IV., during the time he was prince regent, closed the scene by a liberal donation, for erecting, in Italy, a monument to the memory of the last of the unfortunate race of the Stuarts! *Annals of Glasgow*, by Dr. James Cleland, vol. i. pp. 74, 75. *Douglas' Peerage*, vol. i. p. 54.

been deficient, especially when we consider that her natural talents were few, and those few not of a very brilliant order. She understood music, loved painting, and recited her own speeches with a melodious propriety that seemed generally to charm her audience. The most marked feature of her mind was extreme timidity, whence, in many instances, flowed a kind of insipid compliance, which has, we think, been pretty generally mistaken for good nature. The general tone of her feeling seems to have been querulous and peevish. Fond of being flattered with professions of warm and lasting attachment, she was ready to make the most extravagant declarations in return; but once offended, she appears to have been obstinately irreconcilable. In her assumed character of Mrs. Morley, we find her writing thus to the dutchess of Marlborough, who was at that time her favourite, "My dear Mrs. Freeman," the name she bestowed upon the dutchess, "I beg it again for Christ Jesus' sake, that you would not do so cruel a thing as leave me. Should you do it without my consent, which, if ever I give you, may I never see the face of heaven, I will shut myself up, and never see the world more, but live where I may be forgotten of human kind." This is certainly sufficiently strong language, but may be found an hundred times repeated in these letters, and yet how impossible it was for the dutchess to find the least favour with her majesty a few years afterwards, all the world knows.*

Her religion, though it is to be hoped it was sincere, like that of all her family, was strongly tinged with superstition, and zeal for the church, with her eclipsed all other merit. Hence she patronized and promoted such incendiaries as Sacheverel, Higgins, and Greenshields, while with characteristic obstinacy, she could scarcely, with all his merit and attachment to her interests, bear to hear Dr. Swift's name mentioned before her.

Her views of prerogative were of the very highest order; and though she had no title to the throne excepting an act of parliament, listened with avidity to the tale of legitimacy, and felt highly flattered by the jargon of indefeasible hereditary right. She even ventured occasionally upon sayings from the

* *Vide* Coxe's Life of Marlborough. Letters of Mrs. Morley, &c.

chair of authority, not unworthy of James VI., whose conceits procured him, from the flattery of his own age, what the contempt of all succeeding ones has perpetuated, the appellation of the British Solomon; but, like his, the pusillanimity of her character rendered them harmless, and happily she did not, like him, find a successor that was disposed to improve upon them.

In her expenses she was moderate, and even economical. She was on some very rare occasions generous, sometimes liberal, but never profuse.

If we consider her in the relations of domestic life, her character is more amiable than as the ruler over a great nation. As a child, perhaps, her conduct can scarcely be held up as an example that can be generally instructive. But in this respect her situation was singular and extraordinary. As a wife and a mother she afforded a bright example, worthy of being followed by all. Though encumbered with the cares of royalty, and often depressed by bodily infirmity, she attended carefully to the minutest conjugal duty, and waited upon the sickbed of her husband with a tenderness and a respect, which is but seldom exhibited in the higher walks of life. Her children she loved with the fondest affection, and their health and education were the objects of her most assiduous attention; but she was bereaved of them all in infancy, and her mind was clouded with the dark idea, that this was the hand of retributive justice stretched out against her, for having deserted her father in the hour of his extremity, and possessing herself of a throne, of her title to which, it does not appear that at any period of her life, she was fully assured.

THE
HISTORY OF SCOTLAND.

Book III.

Consequences of the death of the Queen—Lords Justices—George I. Proclaimed—Precautions for preserving the public peace—Parliament is assembled—Prorogued, on account of the Queen's Funeral—Is further Prorogued, and finally is dissolved—Vigorous proceedings of the Regency towards Sweden and Spain—Conduct of the late Ministry towards the Catalans—Prince Royal created Prince of Wales—Bolingbroke discarded—Jacobites in Scotland—A reward offered for the Chevalier—King prepares for leaving his German dominions—Honourably received by the Dutch—Arrives in England—Duke of Marlborough—King takes the oath for securing the Church of Scotland—New Privy Council—Coronation—Congratulatory Addresses—Proceedings of the Tories—The Chevalier de St. George—Papists—New Parliament—Criminate the late Ministry—Tory mobs—Scottish Jacobites—General Assembly—Mr. Carstairs—Intrigues with the French—Suspension of the Habeas Corpus—British fleet puts to sea—Assistance is demanded from the States General—Scottish loyalists—Activity of the Chevalier—Earl of Marr—Erects the standard of Rebellion—Attempt on the castle of Edinburgh—Rebel Declaration—Fix their Headquarters at Perth—Clans attempt Inverlochy—Despatch from the Chevalier—Death of Louis XIV.—Earl of Argyle takes the command in Scotland—Calls forth the Volunteers—Encamps at Stirling—Rebels levy contributions—Sufferings and exertions of the Presbyterians.

THE unexpected death of the queen, put an end at once to all the delusive dreams, with which her ministry had been amusing themselves, during the four last years of her reign, and they were, by the pressure of circumstances, compelled to do every thing for the new succession, that its best friends, had they held the same situations, could have done. The bitter animosity, which subsisted between the lords Oxford and Bolingbroke, had, from the very beginning of their career, grievously obstructed their progress, and, upon the resignation of the former, the appointment of the duke of Shrewsbury to the treasurership, involved them in still deeper perplexity;* but the dukes of Argyle and Somerset, on the alarming report of the queen's illness, going into the council chamber,

* Secret History of the White Staff, pp. 62—68.

without waiting to be sent for, and prevailing to have all the privy counsellors in and about London, called in without distinction, rendered their whole previous preparations nugatory, and made any, even the least display of disloyalty, next to impossible. Measures were accordingly adopted, with the utmost promptitude, for securing the public tranquillity. Orders were issued to the lord mayor of London, to provide for the peace of the city, by summoning the lieutenancy, who ordered out the trainbands, the militia of the Tower hamlets, and of Westminster; and the lords of admiralty, by order of the council, issued directions for fitting out ships of war, with all possible despatch. An express was also sent, on the day before the queen's death, to the elector of Hanover, to assure him of their inviolable duty in the prospect of that event, and to request his presence in England without loss of time. Orders were at the same time forwarded to the earl of Strafford, to lay the state of matters in Britain, before the states of Holland, and to demand the performance of the stipulations in the treaty of guarantee, for the protestant succession. All the military officers in Great Britain were ordered to repair immediately to their respective posts.

The demise of the queen was no sooner known than Tennison, archbishop of Canterbury, the chancellor Harcourt, the lord treasurer Shrewsbury, Buckingham lord president of the council, and Dartmouth lord privy seal, five of the seven justices or regents, on whom the administration of the government, during the king's absence, devolved, by acts of parliament, of the fourth and fifth of queen Anne, assembled at St. James', together with the dukes of Somerset, Ormond, Northumberland, Argyle, Roxburgh, and Kent, the earls of Poulet, Northampton, Sunderland, Radnor, Rochester, Orford, Marr, Loudon, Ferrers, Oxford, and Portmore, the viscount Bolingbroke, the lord bishop of London, the lords Lexington, Berkely of Stratton, Guilford, Somers, Guernsey, Cowper, Mansel, Lansdown, and Bingley, William Bromley, Esq. Henry Boyle, Esq. Sir William Windham, chancellor of the exchequer, Sir John Trevor, Sir John Holland, Sir John Hill, Sir Richard Onslow, and John Smith, Esq. The earl of Strafford, and Sir Thomas Parker, lord chief justice of the court of the queen's

bench, two of the lords justices, appointed by the above act, were necessarily absent.

By the above mentioned act, the successor to the crown, was impowered to nominate as many persons, as he or she, should think fit, to be joined to the seven lords justices above named; and accordingly, the archbishop of Canterbury, the lord chancellor, and Monsieur Kreyenberg, as directed by the said act, produced before the council, three instruments, under the hand and seal of the elector of Hanover, by which it appeared, that the persons appointed by his highness, as lords justices, were the archbishop of York, the duke of Shrewsbury, then lord high treasurer, and so one of the seven justices before mentioned, the dukes of Somerset, Bolton, Devonshire, Kent, Argyle, Montrose, and Roxburgh, the earls of Pembroke, Anglesea, Carlisle, Nottingham, Abingdon, Scarborough, and Oxford, lords viscount Townshend, Halifax, and Cowper.

The following proclamation was immediately emitted by the council. "Whereas, it hath pleased Almighty God, to call to his mercy, our late sovereign lady queen Anne, of blessed memory, by whose decease, the imperial crowns of Great Britain, France and Ireland, are solely and rightfully come to the high and mighty prince George elector of Brunswick Lunenburg. We, therefore, the lords spiritual and temporal of the realm, being here assisted with those of her late majesty's privy council, with numbers of other principal gentlemen of quality, with the lord mayor, aldermen, and citizens of London, do now hereby, with one full voice, and consent of tongue and heart, publish and proclaim, that the high and mighty prince George, elector of Brunswick Lunenburg, is now, by the death of our late sovereign, of happy memory, become our lawful and rightful liege lord, George, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, &c., to whom we do acknowledge all faith and constant obedience, with all hearty and humble affection, beseeching God, by whom kings and queens do reign, to bless the royal king George, with long and happy years, to reign over us," &c. &c.*

Pursuant to this proclamation, his majesty was immediately

* Rae's History of the Rebellion, p. 59.

proclaimed by the heralds at arms with the usual solemnities, before the gate of the royal palace at St. James', at Charing-Cross, at Temple-Bar, at the end of Wood Street, in Cheapside, and at the Royal Exchange. Vast numbers of the nobility and principal gentry attended in their coaches during the whole solemnity, as did the lord mayor and aldermen within the city. The joy of the people appeared to be boundless. Many of them were deeply sensible how narrowly they had escaped being again brought under the yoke of the infatuated Stuarts, and even those who had been straining every nerve to advance that unfortunate family, either were, or feigned themselves to be, highly satisfied with his majesty's peaceable accession, and paraded as proudly, and swelled the joyful acclamations as deliberately, as the most devoted of their brethren. The park and tower guns were fired, all the flags displayed, and in the evening there were bonfires, illuminations, ringing of bells, with every demonstration of joy, without any thing tumultuous or disorderly.

A proclamation was also issued the same day, ordering prayers to be offered up for his majesty king George and the royal family, in place of queen Anne and the elector of Hanover; and the baron de Bothmar, his majesty's minister, despatched his secretary express to Hanover with tidings of the queen's death, and of his majesty's peaceable proclamation. The earl of Dorset was also, by the lords justices appointed to carry the same advice to his majesty, to report specially the state of the nation, and to wait upon him in his progress thither. An express was also sent to the lords justices of Ireland, with directions for proclaiming the king, and disarming the papists and Jacobites—and, finally, orders were sent to Scotland, directed to the earl of Ila, lord justice general, and to the lord provost of Edinburgh, for proclaiming his majesty there without loss of time, and with all due solemnity.*

These orders did not reach Edinburgh till Wednesday the fourth of August, about twelve o'clock at night, which, considering the state of the roads, and the manner of travelling at that period, was as early as could have been expected, and

* Rae's History of the Rebellion.

though the hour was somewhat unseasonable, Ila lost not a moment in requesting the servants of the queen to attend him by eight o'clock in the morning, which they did, and, along with his lordship, waited upon his grace, the duke of Montrose, whom they found attended by the marquis of Tweeddale, the earls of Rothes, Morton, Buchan, Lauderdale, Haddington, Leven, Hyndford, Hopetoun, and Roseberry, with the lords Belhaven, Elibank, Torphichen, Polworth, and Balgony, general Wightman, and a considerable number of the principal gentry, officers of the army, and chief inhabitants of the city.

Every thing being in readiness, and the streets lined with the city trainbands, his grace of Montrose, with the above mentioned retinue of nobility and gentry, proceeded to the town-house, where the lord provost, magistrates, and town council, the lord president, and lords of session, the lord chief baron, and other barons of exchequer, the commissioners of the revenue, and many other gentlemen, waited to receive them, and having in readiness a proclamation of the same tenor with that we have already mentioned as issued in London, it was signed by all present to the number of one hundred and twelve. The city trainbands now formed a double line from the town-house to the cross, below which there was a theatre erected for the accommodation of the nobility, and Mr. Henry Maule, depute lord lyon king at arms, ushered by six trumpets, the heralds and pursuivants in their coats, by two and two, mounted the cross. These were followed by the lord provost, magistrates, and town council, in their robes, ushered by sixteen city officers in their liveries, with the sword and mace borne by the proper officers, all bareheaded. The lord provost with the sword and mace mounted the cross, but the town council proceeded to the theatre erected for them, where they received his grace the duke of Montrose, and his attendant nobility and gentry. The depute lyon king at arms now, with solemn sound of trumpet, the lord provost reading to him the words of the proclamation, proclaimed the high and mighty prince George, elector of Brunswick Lunenburg, king of Great Britain, France, and Ireland, &c. &c. This was followed by a discharge of the great guns from the castle, three vollies from the city guard, answered

by the artillery and small arms in St. Ann's Yard, hard by the palace of Holyrood-house, where the regular troops had encamped, to prevent any disturbance on account of the queen's illness. In the meantime, acclamations of joy burst from the cross, the theatre, and the streets, which, with the windows overlooking them, were crowded with innumerable spectators. The duke of Montrose, with the nobility and gentry, the lord provost, magistrates, and town council, now returned to the townhouse, where they drank the health of his majesty, and other toasts of loyal import, after which they went down to the camp in St. Ann's Yard, where they were received at the head of his troops by general Wightman, who conducted them to his tent, where an elegant entertainment was prepared for them, and where they drank to the health of his majesty, with other loyal and appropriate toasts, under discharges of cannon and small arms. The day was concluded with ringing of bells, illuminations, discharges of great guns, and all the other demonstrations of extraordinary joy.

This sudden change of affairs, so unexpected and so complete, struck the Jacobites dumb with astonishment, and, for the moment, they scarcely ventured a whisper of disapprobation. However, for the greater security, the wooden bridge before the castle gate was cut, and a part of it made to draw up. An intrenchment was also cast up betwixt that and the castle wall, behind which, soldiers were placed with small arms. The general also called in from Dundee, and other places of the kingdom, such of his majesty's troops as were quartered there, who all arrived in the camp within a day or two, and every precaution was taken which the occasion seemed to demand.

His majesty was also proclaimed with all due solemnity, and every possible demonstration of joy in Dublin, and in all the other cities, towns corporate, burghs of regality, &c. &c. throughout the three kingdoms, and the dominions thereto belonging, more universally than any of our kings had been before him, and without a shadow of opposition, the mass of the people every where regarding his accession as a surprising deliverance from a great and impending calamity. The lords justices, however, into whose hands the care of the kingdom for the time had fallen, took all prudent precautions for securing

the public tranquillity at home, and for being respected abroad. Their first care was to select and to appoint officers in whom they could confide to take charge of the more important stations. Portsmouth they found totally unprovided for resisting an enemy, having neither men nor military stores: thither they despatched, on the instant, a re-enforcement, under colonel Pococke, to which they added five hundred out-pensioners of Chelsea college, under the command of captain Jones. A battalion of the earl of Orkney's regiment of fusileers, on its arrival from Flanders, was also appointed to that important place, which, as one of the principal keys of the nation, had been purposely thus dismantled by the late ministry, that it might be surprised by the French, and made a place of arms for the chevalier and his party.*

Moreover, the lords justices, though they had received repeated assurances from his most christian majesty, "that he would inviolably maintain the treaty of peace concluded at Utrecht, with relation to the settlement of the British crown in the house of Hanover, and do all in his power to maintain a good intelligence and amity between the crowns of France and Britain;" and though he had ordered the chevalier, who, immediately upon the queen's death, had come to Versailles, to quit his territories, did not think it prudent, under all the circumstances of the case, to trust entirely to these professions, but despatched vessels to examine the French harbours, to observe accurately what was going on in them, and to report accordingly. That they might not be imposed upon by any of those who had been the tools of France in the late reign, they also made choice of the since so much celebrated Joseph Addison, at that time member of parliament for Malmsbury, to be their secretary, to whom all despatches directed to the secretary of state were to be sent. They, at the same time, directed the justices of the peace for London and Westminster, to take up exact lists of the popish recusants in these two cities, and to seize their horses and arms, according to the statute provided in that case; and, to prevent insurrections in places where the disaffected were known to be numerous, their excellencies re-

* Rae's History of the Rebellion, p. 65.

moved the lords lieutenants, and appointed others in whom they could place more confidence; and thus, under providence, kept, for a time, every thing in a state of calm and peaceful tranquillity.*

The parliament, pursuant to an act of the fifth of the late queen, convened on the afternoon of the day she died, and, the speaker being in Wales, it was moved by secretary Bromley, that the house should adjourn till the Wednesday following; but it was answered by the friends of his majesty, that time was too precious for any of it to be lost at so critical a juncture; and they adjourned only till the next day. In the meantime, such members of both houses as were present qualified themselves by taking the oaths appointed by law. The members who came to town did the like in their respective houses, on the second and third—the speaker, being come to town, did the same on the fourth, and on the fifth of August, the lords justices issued a proclamation, according to the act of the sixth of queen Anne, “requiring all persons, being in office of authority or government, at her decease, to proceed in the execution of their offices, and to take the oaths mentioned in that act, and to do all other acts required by the laws and statutes of this realm, to qualify them for continuing in their respective places.” Their excellencies came afterwards to the house of peers, when the lord chancellor, in their name, made a speech to both houses of parliament, stating what had been done in consequence of the queen’s death, and what remained yet to be done in the necessary absence of his majesty, and to prepare every thing for his comfortable reception—concluding, “My lords and gentlemen, We forbear laying before you any thing that does not require your immediate consideration, not having received his majesty’s pleasure. We shall only exhort you to a perfect unanimity, and a firm adherence to our sovereign’s interest, as being the only means to continue amongst us our present happy tranquillity.”

The commons being returned to their own house, it was resolved *nemine contradicente* that an humble address should be presented to his majesty, the heads of which, after some

* Rae’s History of the Rebellion, pp. 65 66.

reasoning, were agreed upon, and a committee appointed to draw up the same, and report to the house next day. The peers agreed upon an address the same day, and requested the lords justices to transmit the same to his majesty with all convenient speed. The parliament proceeded on the sixth to make provision for his majesty's household, and other necessary matters, which having arranged, on the twenty-first both houses adjourned till Wednesday the twenty-fifth.

This adjournment took place in consequence of letters from the king respecting the late queen's funeral, which was intended for Sunday the twenty-second, but, his majesty desiring that it might be as splendid as was consistent with privacy, it was put off to the twenty-fourth, when she was interred with great solemnity in king Henry the seventh's chapel, in the same vault with Charles II., king William, queen Mary, and George, prince of Denmark.

On the twenty-fifth, the parliament being again met, the lords justices went to the house of peers, and the commons being sent for, the lord chancellor, in name of their excellencies, made the following speech to both houses:—"My lords and gentlemen, Having, since your late adjournment, received his majesty's most gracious answer, under his sign manual, to your several addresses, and, by his majesty's command, ordered them to be delivered to you respectively; we do now, in his majesty's name, prorogue this present parliament to Thursday the twenty-third day of September next," &c. Thus ended the second and last session of the fourth parliament of Great Britain, and the last of queen Anne; for, upon the twenty-third of September, it was prorogued to the twenty-first of October, then to the thirteenth of January, and thereafter dissolved, and writs issued for calling another.*

While the lords justices were thus careful of the public tranquillity at home, they were no less careful of the national honour abroad. The Swedes, at this time a warlike people, were daily making prizes of British vessels in the Baltic, to put an end to which, the most prompt measures were adopted. The king of Spain also, though he had so lately signed a treaty with

* *Rae's History of the Rebellion*, pp. 72, 73.

Great Britain, which had been highly applauded, as affording great facilities for promoting her commercial interests, was yet demanding of such of her merchants as were unfortunate enough to trust themselves in his ports, what he called a donative, or free gift, amounting, in some cases, to one hundred and twenty-five pieces of eight, which, when they refused, as contrary to treaties, unjust in itself, and dishonourable to the British nation, he enforced compliance, by placing guards in their houses, and doubling them daily, at the rate of one half dollar per day, till the sum originally demanded was liquidated. The publication of these facts raised the public indignation in a high degree, and called forth the keenest resentment against the late ministry and their treaty of peace, which seemed, from such procedure, to have no firmer foundation than the will of a despotic prince. Upon the news of the queen's death, however, and the vigorous proceeding of the regency, the orders for exacting the donative were recalled, and the treaty of commerce was next year set upon a more sure basis.*

The regency also, exerted themselves, though without effect, in behalf of the Catalans, whom the British government had engaged in the war for Charles, afterwards emperor of Germany, against Philip of Spain, and whom the late ministry, in their haste to obtain the treaty of peace, not only shamefully abandoned, but had latterly sent admiral Wishart with a fleet of twenty-four sail of the line to assist Philip in blocking up Barcelona, one of their cities, which, at this very time, was exhibiting prodigies of desperate valour, little, if at all inferior to what Saragossa displayed in latter times. Philip was resolved, at all events, to deprive the Catalans of their privileges, and the very circumstance of their standing up to defend these privileges, was, in the estimation of Louis—who had just succeeded in destroying, by perfidy and cruelty, the most famous protestant church in Europe—a crime in itself amply meriting extermination. Admiral Wishart, however, was now, by the lords justices, forbidden to take part in the quarrel, or to molest the inhabitants of Barcelona in any shape whatever.†

* *Rae's History of the Rebellion*, p. 75.

† *Memoirs of the duke of Berwick. Parker's Military Memoirs, &c.* This

On the twenty-eighth of August, the lords justices received several orders by express, from the king, particularly for preparing a patent to create the prince royal, prince of Wales, and for removing the lord Bolingbroke from his office of secretary of state. Lord Bolingbroke was accordingly removed from his office on the last day of that month, and the dukes of Shrewsbury and Somerset, with lord Cowper, having, by order of the regency, taken the seals from him, locked and sealed up the doors of his office. Lord viscount Townshend was, by his majesty's order, sworn one of his principal secretaries of state some weeks after.

In Scotland, where the public feeling was still far from being such as could have been wished for, especially in the north, the friends of the chevalier began soon to recover from that consternation into which the unexpected turn of public affairs had thrown them, and parties of armed men being observed marching towards the Highlands, an insurrection from that quarter began to be suspected. The lords justices, as a measure of precaution, ordered a number of half-pay officers, principally belonging to Scottish regiments, to that quarter, that, in case of necessity, they might head the militia, under the direction of the commander-in-chief there, major-general Wightman; for the present, however, the Jacobites there made no appearance that could reasonably create any serious alarm. A few Highlanders appeared in a body at Inverlochy; but the

latter writer remarks, that though Barcelona was to be blocked up by sea, there was no necessity for sending a British fleet for that purpose, either of the powers, France or Spain, being competent to have done it themselves. The real design, he affirms, was to bring over the duke of Berwick, with the Irish regiments in the service of France, all of whom were along with him at the siege of Barcelona, and to land them surreptitiously at Portsmouth, which had been put under the command of the lord North and Gray, a notorious Jacobite, who, some time after this, went over to the continent, abjured his religion, became papist, and entered into the service of Spain. This nobleman, the same author affirms, had for his garrison only two hundred Scotch guards, all of whom, officers and men, drank the health of the pretender, by the title of James III., every day. The citizens of Barcelona, however, held out beyond all expectation—the queen died—lord North and Gray, with his Jacobite garrison, was displaced, and admiral Wishart recalled, before Berwick had time to fulfil what he had promised to the lord Bolingbroke, and thus the nation was happily saved from a scene of bloodshed, anarchy, and confusion.

governor of that place, sending a detachment against them, they instantly dispersed. In some places, too, there were foolish people, who, in their cups, took it upon them to proclaim the chevalier during the night, and prosecutions were ordered against them for their riotous behaviour. It was also judged prudent to confine a few of the chieftains to particular places, the duke of Gordon to the city of Edinburgh, the marquis of Huntly to his own house, and lord Drummond to Castle Drummond. Lord Drummond was afterwards ordered to be apprehended, but he escaped to the Highlands, whence he wrote a letter to the regency, offering security for his good behaviour. Campbell of Glendaruel, who had been commissioned by the late ministry to raise an independent company in the Highlands, was taken at Inverloch, and, with Sir Donald Macdonald of Slait, by orders from the regency, sent prisoner to Edinburgh castle.

It was about this time also, that a great hunting match was spoken of in the Highlands, to which the popish and Jacobite nobility of the south were repairing, which gave the regency ground to suspect some sinister design—hunting and horse racing having been often of late employed, to cover the most desperate contrivances—and it was accordingly prohibited, the duke of Athol at the same time, being ordered to his castle of Blair, to preserve the peace of that country. Disappointed in their insurrectionary views, several of the gentlemen of Dumfries and its vicinity, made application immediately to be taken into the commission of the peace, offering to take all the necessary oaths, no doubt that they might be, as Lockhart has expressed it, “in a condition more effectually to serve the king,” [James VIII.] but, through the diligence of some of the more loyal of their neighbours, they were prevented from getting into office, though they took all the oaths, and proved with what sincerity they had sworn them, by appearing openly in the rebellion a few months afterwards.

As a last preventional measure, the lords justices, on the fifteenth of September, issued a proclamation, promising a reward of one hundred thousand pounds sterling to any person, or persons, who should seize and secure the chevalier, whenever he should land, or attempt to land in Great Britain. Nothing,

indeed, seems to have been omitted that could be thought in any way to contribute to the security and peace of the kingdom; and the conduct of the regency appears to have been highly acceptable to his majesty, and approved of, by the most numerous and best part of the nation.*

In the meantime, his majesty was busily employed in making preparations for leaving his paternal dominions, and the deep interest which the continental states, particularly the protestant part of them, took in his majesty's advancement, was strongly marked by addresses of congratulation, which poured in upon him from all quarters. In the United Provinces, where religion was yet a powerful principle, and the love of liberty still strong, the interest was peculiarly deep, and seems to have been universally felt. The baron de Bothmar's secretary no sooner arrived at the Hague with tidings of the queen's death, and the peaceable proclamation of the king, than monsieur Klingraef, the Hanoverian resident, presented to the states general a memorial, which had been lodged in his hands to be in readiness, by which his majesty required of the states the performance of their guarantee of his succession to the crown of Great Britain. The states assembled that same night, and returned the following answer: "That as soon as their high mightinesses were informed of the sickness and death of her said majesty of Great Britain, of glorious memory, they immediately bethought themselves of the engagements they had entered into for the guaranty of the succession to the crown of Great Britain in the protestant line, so as it is settled by acts of parliament; and, at the same time, they considered, not only how much it concerns the kingdom of Great Britain, that the settlement of the succession in the protestant line should have its entire effect; but also, how deeply the protestant religion, the safety of this state, and the liberty of all Europe, are interested therein; that therefore, they unanimously resolved to perform their engagements, and to execute all that, by the treaty of mutual guaranty they had promised; whereto, they are the more readily induced by the firm assurance which his majesty, in the said letter, is pleased to give them of his good will towards

* Rae's History of the Rebellion, pp. 76—79.

this state; that as they received the account of the death of her majesty with grief, so it was very acceptable news to them, that his electoral highness, as next heir in the protestant line, was instantly proclaimed king by the unanimous advice of the council, and with the acclamations of the people; that they most heartily congratulate his majesty thereupon, and wish him all further happy success in a prosperous reign; that from this good beginning, they hope his majesty will take peaceable possession of his kingdoms without any opposition; that, nevertheless, their high mightinesses are willing and ready to perform their engagements, and to take all proper measures with his majesty for that end; that, it being likely his majesty will speedily go for England, their high mightinesses will be very glad if his majesty will please to take his journey through their dominions, that they will endeavour to facilitate his majesty's passage with all that is in their power; that they will at all times show the high esteem they have for his majesty's person and friendship; and that they have his interest as much at heart as their own!"

This was immediately put into the hands of the resident, Mr. Klingraef, to be sent to his majesty, and a copy was sent to M. Van Borssele, envoy extraordinary to the court of Great Britain, to be delivered to the regency in England upon his arrival there. Their high mightinesses also, sent letters to the states of the several provinces, desiring them forthwith to provide the necessary funds for fitting out a strong squadron of men of war, of which twelve, designed for the Baltic, were already nearly fit for sea. They also appointed a deputation of five of their most honourable members, to wait for, and receive his Britannic majesty on the frontier of their territories; and, a few days after, the states of Holland, named deputies of their own to receive his majesty at the entrance into that province, and to conduct him to the Hague; they also ordered the equipment of eight men of war, to be joined with the British squadron appointed to convey the king over to England.

The king of Prussia also took a lively interest in the matter, and lost no time in notifying, by his ministers, to all the courts with whom he corresponded, and particularly to the court of London, "That as his majesty had constantly declared himself

in favour of the succession of the house of Hanover to the crown of Great Britain, so now he was affected with peculiar joy, to hear that the settlement of that crown had, in its due time, actually taken effect, by the proclaiming of king George; the rather because it visibly tended to the promoting the protestant religion, and the true interest and welfare of the British nation; and that, in case of need, he was ready to employ all the power which God had put into his hands, in assisting to maintain that succession against all who might offer to dispute it." His minister in Holland also, in the name of the king his master, invited his Britannic majesty to lodge in the old court at the Hague, which had fallen to the king of Prussia by the death of king William. This invitation the king of Great Britain politely accepted, and the palace was instantly fitted up for his majesty's reception.

His majesty king George's preparations for leaving his paternal dominions, which, owing to the immense concourse of deputations that crowded his court, occupied the month of August, being finished, on the last day of that month, he set out from the palace of Herrenhausen, followed by the prince, the inhabitants of the country expressing the deepest sorrow for the departure of a sovereign under whose mild government they had enjoyed so great a degree of happiness. His majesty and the prince arrived the same day at Doepenau, where they lodged for the night, and next day proceeded to Ippenburg. On the second of September they came to Twickel, a seat belonging to count de Wassenaer d' Opdam, who entertained them for the night, and the next day they proceeded to Voorst, where they were elegantly entertained and lodged by the earl of Albemarle, who, at that time, had his residence there. On the fourth, the deputies of the states general received and complimented his majesty on their frontier, and that same day he advanced to Utrecht. Here his majesty and the prince were complimented by the deputies of the states of the province, after which, they went aboard a yacht of the states, and the same night reached Woerden, where they were received by the earl of Albemarle, and the other deputies of the states of the province of Holland, under discharges of cannon, a gun being fired for every year of his majesty's life.

On the fifth, his majesty, in lord Albemarle's coach, followed by six others, and attended by a detachment of horse guards, proceeded to Leyden, where the same number of guns were discharged as at Woerden, and, about five in the evening, arrived at the Hague, amidst the acclamations of a vast concourse of people.*

His majesty's reception at the Hague, was of the most flattering description. He was complimented by all the deputies, followed wherever he went by an immense concourse of people, who expressed in his presence such rapturous joy as if he had been their natural sovereign. He was attended by the national guards, and had "a company of grenadiers, in goodly apparel, and richly embroidered caps, assigned him to wait around his table, so long as he remained in the country." Here he had the satisfaction of learning that his accession to the British throne had had the effect of quickening the progress of all the treaties pending in Europe, the treaty of peace between the emperor and France having been signed at Baden upon the twenty-fifth of August, and the treaties of peace and commerce between the states general and the king of Spain, much about the same time, ratified by that monarch without any restrictions. Here also he was waited upon with congratulatory addresses by all the foreign ambassadors, to whom he gave private audiences; and here he had a letter from his secretary of state for Scotland, the earl of Marr, soliciting his particular notice, and promising the most dutiful obedience, and faithful service in whatever his majesty might be pleased to employ him.†

* Rae's History of the Rebellion, pp. 79—85.

† The following is a copy of Marr's letter to his majesty, and of an address of one hundred and two chief heritors and heads of clans in the Highlands of Scotland to George I. upon his accession, sent to the earl of Marr to be presented, but which, by court intrigue, he was prevented from delivering, copied from the original, in the museum of the Society of Antiquaries of Scotland :—

" Sir,

" Having the happiness to be your majesty's subject, and also the honour of being one of your servants, as one of your secretaries of state, I beg leave by this to kiss your majesty's hand, and congratulate your majesty's

On the fourteenth of September, his majesty's baggage was sent down the Maese to the Briel, and on the sixteenth, the king and prince, having taken leave of the states' deputies, who, with a great number of nobility and gentry, waited upon them to the sea side, embarked at Orange Polder, about one o'clock in the afternoon, his majesty aboard the *Peregrine*, and the prince on board the *William and Mary* yacht, and,

happy accession to the throne, which I would have done myself the honour of doing sooner, had I not hoped to have the pleasure of doing it ere now.

"I am afraid I may have had the misfortune of being misrepresented to your majesty, and my reason of thinking so is, because I was, I believe, the only one of the late queen's servants, whom your ministers here did not visit; which I mentioned to Mr. Harley and the earl of Clarendon, when they went from hence to wait on your majesty; and your ministers carrying so to me, was the occasion of my receiving such orders, as deprived me of the honour and satisfaction of waiting on them and being known to them.

"I suppose I had been misrepresented to them by some here, upon account of party, or to ingratiate themselves by aspersing others, as our parties here too often occasion; but I hope your majesty will be so just, as not to give credit to such misrepresentations.

"The part I acted in bringing about and making of the Union, when the succession to the crown was settled for Scotland on your majesty's family, where I had the honour to serve as secretary of state for that kingdom, doth, I hope, put my sincerity and faithfulness to your majesty out of dispute.

"My family had the honour, for a great tract of years, to be faithful servants to the crown, and have had the care of the king's children (when king of Scotland) intrusted to them. A predecessor of mine was honoured with the care of your majesty's grandmother when young; and she was pleased afterwards to express some concern for our family in letters, which I still have, under her own hand.

"I had the honour to serve her late majesty, in one capacity or other, ever since her accession to the crown. I was happy in a good mistress, and she was pleased to have some confidence in me, and regard for my service; and since your majesty's happy accession to the crown, I hope you will find that I have not been wanting in my duty, in being instrumental in keeping things quiet and peaceable in the country to which I belong and have some interest in.

"Your majesty shall ever find me as faithful and dutiful a subject and servant, as ever any of my family have been to the crown, or as I have been to my late mistress the queen. And I beg your majesty may be so good not to believe any misrepresentations of me, which nothing but party hatred, and my zeal for the interest of the crown doth occasion; and I hope I may presume to lay claim to your royal favour and protection.

"As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long and prosperous; and that your people may soon have

having joined the squadron of Dutch and British men of war that waited for them, under the command of admiral Berkely, at the mouth of the Maese, sailed for England with a fair wind. Next day, about nine in the evening, they arrived safe at the Hope, near Gravesend, where they anchored till next morning, when, there being a thick fog, the yachts did not go up the river till the afternoon. The magistrates of Gravesend

the happiness and satisfaction of your presence among them, is the earnest and fervent wishes of him who is with the humblest duty and respect,

Sir,

Your majesty's most faithful,

Most dutiful, and most obedient

Subject and servant,

MAR."

Whitehall, August 30th, O. S. 1714.

The following is the address of the Highland chieftains above mentioned:—

" May it please your majesty,

" We of the chief heritors and others in the Highlands of Scotland under subscribing, beg leave to express the joy of our hearts at your majesty's happy accession to the crown of Great Britain. Your majesty has the blood of our ancient monarchs in your veins, and in your family; may that royal race ever continue to reign over us. Your majesty's princely virtues, and the hope we have in your royal family of an uninterrupted succession of kings to sway the British sceptre, must extinguish these divisions and contests, which in former times too much prevailed, and unite all who have the happiness to live under your majesty, into a firm obedience and loyalty to your majesty's person, family, and government; and as our predecessors have for many ages had the honour to distinguish themselves by their loyalty, so we do most humbly assure your majesty, that we will reckon it our honour stedfastly to adhere to you, and with our lives and fortunes to support your crown and dignity against all opposers.

" Pardon us, great Sir, to implore your royal protection against any who labour to misrepresent us, and who rather use their endeavours to create misunderstandings, than to engage the hearts of your subjects to that loyalty and cheerful affectionate obedience which we owe, and are ready to testify towards your majesty. Under so excellent a king, we are persuaded, that we, and all your other peaceable faithful subjects, shall enjoy their just rights and liberties, and that our enemies shall not be able to hurt us with your majesty, for whose royal favour we presume humbly to hope, as our forefathers were honoured with that of your majesty's ancestors. Our mountains, though undervalued by some, are nevertheless acknowledged to have, in all times, been fruitful in producing hardy and gallant men, and such we hope shall never be

embraced the opportunity of waiting upon his majesty, with a loyal address, congratulating him on his accession to the throne, and his safe arrival in Britain; they were graciously received, and had the honour of kissing hands on the occasion. About noon the yachts weighed anchor and sailed up the river. After sailing some miles above Gravesend, the king and the prince went into a barge, which landed them at

wanting amongst us, who shall be ready to undergo all dangers in defence of your majesty's, and your royal posterity's, only rightful title to the crown of Great Britain. Our behaviour shall always witness for us, that, with unalterable firmness and zeal, we are,

May it please your majesty,

Your majesty's most loyal,

Most obedient, and most dutiful

Subjects and servants,"

Alex. M'Donell of Glengarie
Mackintosh of that Ilk
J. Cameron of Lochell
Jo. Stewart of Ardsheall
Farq. M'Gillray of Dunmaglass
Donald M'Donell of Lundie
Alex. M'Donell of Ardochie
John M'Donell of Gandarge
Normand M'Leod of Drynash
Normand M'Leod of Grisernish
John M'Donell of Ardnabie
Hugh Fraser of Gussachan
John M'Tavish of Little Garth
Thomas Fraser
D. Mackdonald
Ed. Chisholm of Comar
Jo. Stewart of Appine
Jo. Grant of Glenmoristone
A. M'Donald of Glenoe
Jo. M'Donell of Shienne
Alex. M'Donell of Kytrie
Alex. M'Donell of Easter Cullachy
Rod. M'Leod of Ullinish
Will. M'Leod of Vaterstein younger
William M'Leod of Hussinish
Kenneth M'Leod of Kallisaig
Wm. Fraser of Cullidace younger
Simon Fraser of Crochel
John Fraser of Innerohannish
Dun. Campbell of Lochinell
Ang. M'Intosh of Kellachie
J. M'Donall of Donollich
D. M'Pherson of Cluny
La. M'Pherson of Noid
Alex. M'Donall Leick
Jo. M'Donell of Oberchaldier
Will. M'Leod of Hamer junior
John M'Leod of Gesto
Ro. M'Leod of Ensay
Alex. M'Leod Handrevich
John Chisholm of Knechtum

Tavish M'Tavish Pellelyne
Aene M'Donell of Muckersach
Hugh Fraser of Aberkie
Tho. Houstoun of Dulchirachan
James Campbell of Auchmabrek
Annas M'Donnell of Dranichans
Ro. M'Leod of Hamer
D. M'Leod of Sandeck
Don. M'Leod of Eboist
Will. M'Leod of Skarbost
Lechlan M'Kinross of Breckinsh
Thomas Fraser of Eakedell
T. Fraser of Koklanie
Alexander Fraser of Glenaukie
Hugh Fraser younger of Erogy
Hugh Fraser of Bethrabine
Jo. Fraser of Berline
MacLeane of that Ilk
Jo. M'Lennon of that Ilk
Do. M'Leod of Contalich, tutor of M'
Leod
Donald M'Leod of Talsaker
Alex. M'Donald of Cleonag
Ao. M'Donell of Talloch
Al. M'Donald of Achnaclochline
Alex. M'Donald of Bohuntin
Jo. M'Donell of Inverey
W. Fraser of Kilbackie
James Fraser of Belladrum
Alex. Fraser of Kinaspurach
Ha. Fraser of Dunchas
Jo. Fraser of Kinbrelly
John Fraser of Drumand
Alexander M'Kenzie of Fraserdale
W. MacDonell of Keappoch
Ro. M'Donald of Trinadriah
J. M'Donald of Ferrett
Ronald M'Donald of Coronie
Ro. M'Donald of Mursate
Hugh Fraser of Kinnacles
Ja. Fraser of Kiluk

Greenwich about six o'clock in the evening. The duke of Northumberland, captain of the lifeguards, being in waiting, with the lord chancellor, at the head of the lords of the regency, received his majesty at his landing, and complimented him on his safe arrival. His majesty thereafter walked to his house in the park, accompanied by the most of the nobility, and a vast number of the principal gentry, and an incalculable multitude of people, who rent the air with their joyful acclamations, and the night concluded with bonfires, illuminations, and other demonstrations of public joy.

The duke of Marlborough, who, under the malevolent influence of the faction that misgoverned the nation during the last years of the queen, had been necessitated to go into a kind of voluntary exile, returned to England the very day the queen died, and, as the tories were in the wane, was received by the people of England with a warmth of affection somewhat proportioned to his extraordinary merits; and now, appearing at court with his usual splendour, was looked upon as already commander-in-chief, in room of the duke of Ormond. The duke of Argyle was also particularly distinguished, and was made groom of the stole to the prince, as an acknowledgment for his firmness to the protestant succession. There were also some others advanced to places of honour and profit, while his majesty had yet advanced no further than Greenwich.

On Monday the twentieth, the king and the prince passed from Greenwich, through the city of London, to the royal palace of St. James, with great magnificence, preceded by more than two hundred coaches of the nobility and gentry, each with six horses, the juniors marching first. The procession was met in Southwark, by the lord mayor, aldermen, recorders, sheriffs and officers of the city, on horseback, all

Thos. Fraser of Dunbelloch
William Fraser of Killachule
Ja. Fraser of Newton
Hugh Fraser of Little Strule
Alex. Fraser of Belnain
John Fraser Gartmor
Alex. Fraser of Farrachnie
Alex. Fraser of Easterheadshaw
Hugh Fraser of Easter Ardachie
James Fraser of Milndire
Don. M'Lean of Broloes

Hector MacLean of Coll
D. M'Leane of Tarbart
Ang. M'Leane of Kenlochaline
Allan M'Leane of Inverscadle
T. M'Lean of Mingarie
Lach. M'Leane of Achure
Don. MacLean of Dringigha younger
Allan MacLean of Reddel
Lauchlan M'Lean of Dringigha elder
Lauchlan M'Leane of Kilmory.

in their robes, forming a splendid addition to the already gorgeous pageant. His majesty was welcomed to his palace by three discharges of the park guns, and the evening concluded with all the usual demonstrations of public joy.

On the twenty-second the court was numerous and brilliant, and several foreign ministers, particularly those of France, Poland, Prussia, and Sicily, took that opportunity to compliment his majesty upon his happy succession and safe arrival. The council convened the same day, and the members present were, the lord chancellor, the dukes of Somerset, Northumberland, Bolton, Devonshire, Marlborough, Montrose, Roxburgh, and Kent, the marquises of Lindsay, Dorchester, and Annandale; the earls of Sunderland, Clarendon, Anglesea, Carlisle, Radnor, Rochester, Abingdon, Oxford, Wharton, Cholmondely, Marr, Loudon, Findlater, Orkney, Hay, Oxford, Portmore, and Orrery; the lord viscount Townshend, the bishop of London; the lords Paget, Berkeley, Guilford, Somers, Guernsey, Mansel, Trevor, Lansdown, Bingley, and Coningsby; secretary Bromley, the vice-chamberlain Coke, the chancellor of the exchequer, the lord chief justice Parker, Sir John Holland, Sir Richard Onslow, Mr. Smith, Mr. Vernon, Mr. Erle, and Mr. Hill.

Coming into the council his majesty declared, that he understood the law required him at his accession to the crown to take and subscribe the oath relating to the security of the church of Scotland, which he was ready to do this first opportunity. His majesty accordingly took the said oath with the greatest cheerfulness, in the following words: "I George, king of Great Britain, France, and Ireland, defender of the faith, &c. do faithfully promise and swear, that I will inviolably maintain and preserve the settlement of the true protestant religion, with the government, worship, discipline, rights and privileges of the church of Scotland, as established by the laws made there, in prosecution of the claim of right, and particularly by an act, entitled, act for securing the protestant religion and presbyterian church government; and by the acts passed in the parliaments of both kingdoms, for union of the two kingdoms. So help me God."

After taking this oath, his majesty subscribed two instru-

ments thereof, in presence of the council, one to be transmitted to the court of session, to be recorded in the books of sederunt, and afterward lodged in the public register of Scotland; the other to be entered into the council book, and remain among the records of council. He was then pleased to make the following declaration, which, at the request of the council, was made public:—"Having, in my answers to the addresses of both houses of parliament, fully expressed my resolution to defend the religion and civil rights of all my subjects, there remains very little for me to say upon this occasion. Yet, being willing to omit no opportunity of giving all possible assurances to a people who have already deserved so well of me, I take this occasion also, to express to you my firm purpose to do all that is in my power for the supporting and maintaining the churches of England and Scotland, as they are severally by law established; which, I am of opinion, may be effectually done, without in the least impairing the toleration allowed by law to protestant dissenters, so agreeable to christian charity, and so necessary to the trade and riches of this kingdom. The good effects of making property secure, are no where so clearly seen as in this happy kingdom; and I assure you, that there is not any amongst you shall more earnestly endeavour the preservation of it than myself."

The same day the prince was, by his majesty's command, introduced into the privy council, as was also the archbishop of York, the earl of Nottingham, and lord Halifax. The great seal was, at the same time, delivered to William lord Cowper, the earl of Nottingham declared lord president of the council, the earl of Wharton lord privy seal, and the earl of Sunderland lord lieutenant of Ireland. John, duke of Marlborough, was, shortly after, made colonel of the first regiment of foot guards, master-general of the ordnance, and captain-general of his majesty's land forces. John, duke of Argyle, was appointed commander-in-chief of his majesty's land forces in Scotland, Charles, duke of Somerset, master of the horse, and the honourable Robert Walpole receiver and paymaster-general of all the guards and garrisons, and all other his majesty's land forces in Great Britain. The honourable James Stanhope was made secretary of state, in the room of Mr. Bromley, and the duke

of Montrose, in room of the earl of Marr. The duke of Roxburgh was made keeper of the great seal of Scotland, in room of the earl of Seafeld, and the marquis of Annandale lord privy seal, in room of the duke of Athol.

On the twenty-seventh his majesty, by letters patent under the great seal, was pleased to create his royal highness, George Augustus—formerly prince of Great Britain, electoral prince of Brunswick Lunenburg, duke of Cornwall and Rothsay, duke and marquis of Cambridge, earl of Milford-haven and of Carrick, viscount North Allerton, baron of Tewkesbury and Renfrew, lord of the Isles, Steward of Scotland, and knight of the most honourable order of the garter, prince of Wales, and earl of Chester.

The same day his majesty dissolved the privy council, and appointed a new one to be sworn in on the first of October. Many alterations followed, and a long list of promotions, which we pass over, as having but a slender connexion with our history.

All these arrangements being completed, the twentieth of October was appointed for his majesty's coronation, when all things being prepared, he proceeded, with the usual solemnities, to Westminster abbey, where the bishop of Oxford, in an eloquent sermon from Psal. cxviii. 24. gave a striking delineation of the dangers the nation had been exposed to through the malepractices of the late ministry, and a glowing picture of the benefits that might reasonably be expected from the happy accession of his majesty. After sermon, his majesty was crowned and anointed, in the usual manner, by Dr. Thomas Tennison, archbishop of Canterbury; and all present, being asked, did publicly acknowledge his majesty as their king, and promised subjection unto him, crying out, God save the king. "The day of his majesty's coronation," Rae, who was an eye-witness thereof, remarks, "was observed as a day of solemn rejoicing throughout his dominions. Cheerfulness appeared in the faces of all his good subjects, who were now in the peaceable possession of a protestant king, to the great disappointment of the popish and Jacobite party."*

* Rae's History of the Rebellion, p. 103.

Addresses breathing the most ardent loyalty were presented to his majesty from all places of the kingdom. That from the royal boroughs of Scotland, before the Union the third estate of the kingdom, was particularly conspicuous for anticipating the preservation of religion, liberty, and presbyterial church government, as by law established, together with the prosperity of trade, in consequence of being freed from the encroachments and restrictions it had been laid under by destructive treaties of commerce, thus expressing the most decided disapprobation of the late pacification, and of the whole administration, as it regarded Scotland. The commission of the General Assembly of the church of Scotland, in addition to their address, testifying the most lively joy at his majesty's happy and peaceful accession to the crown, deputed, on this occasion, the Rev. principal Carstares, Mr. William Mitchel, and Mr. James Hart, ministers of the city of Edinburgh, Thomas Linning, minister of Lesmahago, and Mr. James Ramsay, minister of Kelso, to wait personally upon his majesty, and make known to him the great joy felt by the church of Scotland on account of his elevation to the throne of these kingdoms; the active part that church had taken to promote his interest; and the expectations she now entertained, not only of being safe from future encroachments, but of having those grievances, which her constancy to the line of succession in his family had been a principal mean of bringing upon her, speedily and completely redressed.* This deputation did not arrive in London till the coronation was over, but they were introduced to his majesty on the first of November by the duke of Montrose, when principal Carstares made a speech to the above effect, to which his majesty made a most gracious reply; and the whole deputation had the honour of kissing hands on the occasion. They were also introduced to the prince and princess of Wales, and were most graciously received by these august personages, who testified the most grateful sense of the zeal and perseverance of the Scottish church, with regard to the protestant succession, and assured the commissioners that she might at all times depend upon their countenance and support.

* See Mr. Carstares' speech at length. *Rae's History*, &c. p. 108.

In the meantime, the tories finding themselves shut out from all participation in the favours of the new dynasty, were chagrined and enraged beyond measure, while their Jacobite brethren were reduced to the very verge of despair. They were not, however, idle, though the course of events, so exceedingly different from any thing they had calculated upon, unhinged all their plans, and rendered for a time, their utmost efforts abortive. It had been agitated among the leading tories, that they should wait upon his majesty, on his landing, in a body, with the ministry at their head, when they might be introduced to his majesty's special notice, by the lord chancellor, and, from their number and the respectability of their appearance, overawe the whigs, and secure with his majesty, that ascendancy, which they had enjoyed with his predecessor. The lord chancellor, however, was under the necessity of waiting in his place, at the head of the regency, among whom there was a great majority of whigs. The tories found it impossible to keep together in the crowd, and were compelled to wait upon his majesty in the best way they could, or withdraw from the scene, which would have brought a suspicion of disloyalty upon their characters, which they were not willing to incur.

Disappointed in this first effort, they yet hoped, under the duke of Ormond, to succeed better next day; but here again they were equally unfortunate; for that very morning, his majesty, by the lord viscount Townshend, acquainted the duke that he had no longer any occasion for his services, as captain-general of the army, which dispirited the whole party, and the changes which followed in such rapid succession, left no room for their purposed exhibition.* Nothing, therefore, remained for them, but to submit quietly to the domination of the whigs, which pride, ambition, and perhaps conscience,† utterly forbade, or, by another powerful appeal to

* Rae's History, &c. pp. 89—91.

† Conscience is often ignorant, often erring, and as often as either, a mere pretence; but it is still true, that "conscience is a sacred thing," and whatever is put forth under its name, deserves at least a hearing. "I never expect," said one of these tory gentlemen, "any thing but confusion, if the interest of the church, comes to be at the mercy of the *low men* and *presbyterians*, the latter of whom, I always looked upon, as worse than the papists; nor let the

the church and the mob, bring themselves again into notice, though it should be at the expense of a general convulsion, and a civil war. Pursuing this plan, they were able, even on the day of his majesty's coronation, to create most serious disturbances. Armed with clubs, hangers, and in some places with swords, guns, and pistols, they attacked his majesty's loyal subjects, in the height of their jollity, many of whom they wounded, to the effusion of their blood, and the imminent hazard of their lives. At Bristol, they murdered a Mr. Thomas, outright, merely for attempting to persuade them to desist from their lawless and outrageous conduct. In contempt of the occasion, they put the Maypole into mourning at Bedford; and at Frome, in Somersetshire, they dressed up, and carried about in procession in a fool's coat, an idiot named George, for the same purpose.

The danger of the church, was again the pretence for all this outrage, and this danger was supposed to arise from the change which his majesty had been pleased to make in the members of administration. Nothing had been more strenuously insisted upon by the tories, during the last years of her late majesty, than the sacred nature of the royal prerogative, especially with regard to the choice of servants to the crown; but now that it was exercised against themselves, they seem to have had no longer any regard for it. Gentlemen were found heading mobs composed of the most desperate ruffians, taught again to re-echo the ridiculous cry of "Sacheveral! God bless Dr. Sacheveral! down with the round heads! down with the whigs! no Hanover! no Cadogan! but Calvert and Clarges! no king William! no traitor! Sacheveral for ever! Who dares disown the pretender?" There were even clergymen, who had the ropes taken from the bells of their churches, lest they should be profaned, by being rung in honour of his majesty's coronation; and while doc-

low men ever pretend to blame us, if we join with papists against them, while they join with presbyterians against the church. Nay, though it were come to the naming of successors, if these men, or any they shall set up, take such measures, as I am satisfied will destroy the church, I freely declare myself, I'll be for any successor, rather than suffer the church to be overwhelmed with fanatics of any kind." The Two Nights' Court at Greenwich, p. 47.

trines, highly derogatory to the honour and the authority of government, were too generally preached, from many of the English pulpits, loyalty, submission, and good order, could not be openly and publicly inculcated in many places, but at the hazard of being torn to pieces upon the spot for so doing. Even in the city of London, Mr. Joseph Aires, vicar of Blewbery, Berks, narrowly escaped with his life, for preaching a loyal sermon in Whitechapel church; and when the murderers at Bristol were put upon their trial, such was the violence of the popular feeling in their favour, that the course of justice was completely obstructed, and though some convictions took place, the result was such, as rather to strengthen and irritate, than to allay the turbulent and refractory spirit of the people of that district.*

In order to encourage these hopeful beginnings, on the part of his friends, the chevalier, perfectly aware of all that was going on, issued, about the middle of November, a declaration, dated at Plombiers, August the twenty-ninth, 1714, in which he sets forth, not only the violation of his own hereditary right to the kingdoms of Britain and Ireland, but of the interests of all the sovereign princes of Europe, complains bitterly of the ruin of the English monarchy, and the sufferings of the late king his father, of blessed memory, by the unjustifiable revolution of 1688, which he threatens, or predicts, will be a source of endless wars and divisions, till the succession is again settled in the rightful line. But as we consider this paper too important to be abridged, the reader will find it entire at the foot of the page.†

* Rae's History of the Rebellion, &c. pp. 108, 110, 112.

† James the third, by the grace of God, king of Great Britain, France and Ireland, Defender of the Faith, &c. To all kings, princes, and potentates, and our loving subjects, greeting.

In such an extraordinary and important conjunction, in which, not only our hereditary right to our crowns is so unjustly violated, but the interest of all the sovereign princes of Europe is so deeply concerned, we could not be silent without being wanting to ourselves and them.

Every body knows that the revolution in the year 1688, ruined the English monarchy, and laid the foundation of a republican government, by devolving the sovereign power on the people, who assembled themselves without any authority, voted themselves a parliament, and assumed a right of deposing

Copies of this declaration, were forwarded by the French mail, to several persons of quality in England, by whom they were delivered into the hands of the government; and it appearing that the marquis de Lamberti, minister for the

and electing kings, contrarie to the fundamentall laws of the land, and the most expresse and solemn oathes that christians are capable of taking; and nobody can be ignorant, how unjustly the late king, our father, of blessed memory, suffered by this unjustifiable revolution.

After his demise, his crowns, which the prince of Orange had usurped, being then rightfully ours, according to the fundamentall laws of the land, wee immediately claimed our rights to the same, by a declaration under our great seall, dated at St. Germain, the 8th of October, 1704. And as soon as it pleased divine providence to enable us to attempt the recovery thereof, wee readily embraced the occasion; and 'tis sufficiently known that the miscarriage of that expedition could not be imputed to us.

When we found after this, that a treaty of peace was upon the point off being concluded, without any regard had to us, we published our protestation, dated at St. Germain, the 25th of Aprile, 1712, in the most solemn and authentic manner our circumstances would then allow of; asserting thereby our incontestable right to our crowns, and protested against whatever might be stipulated in the said treatie to our prejudice.

Tho' we have been obliged since that tyme to remove from France to a more remot place, we have still continued to have our kingdoms and our people in our view, to whom wee are convinced, that God in his mercy will sooner or later restore us; and, notwithstanding the malice and open rebellion of some, and the forced compliance of others, wee have never ceased to hope, that God would in tyme open our people's eyes, and convince them not only of the notorious injustice done to the crown and us, but of the dangerous consequences thereof for themselves. It is not our interest alone we are concerned for; our naturall and unalterable love for our people is such, that as wee could not see without grief, their blood and treasure lavisht in the late warr in opposition to our undoubted right, so wee cannot now with less sorrow see them exposed to be subjected to an arbitrary power, and become a prey to foreigners.

Besides, that the elector of Brunswick is one of the remotest relations wee have, and consequently, one of the remotest pretenders to our crowns after us, it is evident that nothing is more opposite to the maxims of England in all respects, than that unjust settlement of the succession upon his family. He is a forreigner, a powerful prince, and absolute in his own country, where he has never met with the least contradiction from his subjects. He is ignorant of our laws, manners, customs, and language, and supported by a good army of his own people, besides the assistance which a neighbouring state is obliged to grant him upon demand, and many thousands of aliens refuged in England these 30 years past, who having their dependance wholly upon him, will be ready to stand by him upon all occasions.

duke of Lorrain at the court of London, had, by himself, or his retainers, been actively employed in circulating copies among the disaffected, in different parts of the country, he was given to understand, that he could not be admitted at court,

Moreover, what can our subjects expect, but endless wars and divisions from subverting so sacred and fundamentall a constitution as that of hereditary right? which has still prevailed against all usurpations, how successful, and for how long time soever continued; the government finding still no rest till it returned again to its own centre. And how can they be ignorant of the just pretensions of so many other princes that are before the house of Hanover, whose right after us will be as undoubted as our own, and who neither want will nor power to assert it in their turns, and to entail a perpetuall warr upon our kingdoms, with a civill warr in their own bowells, which their divisions will make unavoidable.

From all which it is plain, our people can never enjoy any lasting peace or happiness, till they settle the succession again in the rightfull line, and recall us, the immediate lawfull heir, and the only born Englishman now left of the royall family.

This being certainly the true interest of Great Britain, we had reason to hope, that a wise people would not have lost so natural an occasion of recalling us, as they have lately had, since they could not but see, by all the steps we have hitherto made, that we had rather owe our restoration to the good will of our people, than involve them in a warr, though never so just; besides, that they know, or might have known, the reiterated inviolable assurances we have given them under our hand, that whensoever it should please God to restore us, we would make the law of the land the rule of our government; and grant to our subjects a generall indemnity for whatsoever has been done contrary to the said laws; and all the security and satisfaction they could desire, for the preservation of their religion, rights, liberties, and properties.

Yet, contrary to our expectations, upon the death of the princess our sister, (of whose good intentions towards us, we could not for some time past, well doubt, and this was the reason we then satt still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death,) we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interest of their country, by doing us and themselves justice, had immediately proclaimed for their king, a foreign prince, to our prejudice, contrary to the fundamental and incontestable laws of hereditary right, which their pretended acts of settlement, can never abrogate.

After this height of injustice, we then thought ourselves bound in honour and duty, and indispensibly obliged by what we owe to ourself, to our posterity, and to our people, to endeavour to assert our right in the best manner we could. Accordingly, upon the first notice sent us, wee parted from our ordinary residence, in order to repair to some part of our dominions, and there to put ourself at the head of such of our lawfull subjects, as were dis-

till such time as he could make it appear, that the chevalier was dismissed from the territories of his master. This order, Lamberti transmitted to Lorrain, and in the meantime, retired to his residence among the tories of Oxford, till he should receive an answer. An answer was speedily returned, but it was not such as to satisfy the British ministry, and the marquis, shortly after, left the country.

To counteract this flood of disloyalty and disorder, the government exerted the most laudable and praiseworthy activity. A proclamation was issued on the second of November, requiring all civil officers to use their utmost diligence

posed to stand by us, and defend us and themselves, from all foreign invasion; but in our passing thro' France, to the sea coast, we were there, not only refused all succour and assistance, upon account of the engagements, that king is under, by the late treaty of peace; but we were even debarred passage, and obliged to turn back to Lorrain.

After meeting with such sensible disappointments on all sides, the only comfort left us, is, that we have done our part at least, to attain our just ends, and have nothing upon that score to reproach ourself with; and as our cause is just, we doubt not but God will, in his own due time, furnish us with new means to support it; and that he will at last touch the hearts of our subjects, with a true sense of the crying injury that they have done us and themselves, and move them effectually to return to their duty.

We likewise hope, that all christian princes and potentates, who are now in peace together, will reflect upon the dangerous example here given them, and y^e formidable effects they are threatened with, from such an united force, as that of England and Hanover; and that they seriously consider, whether the exorbitant power that now accreus to the house of Brunswick, be consistent with the balance of power, they have been fighting for all this last war. And therefore, we call on them for their assistance, for the recovery of our dominions, which their interest, as well as honour, engages them to grant us, as far as they are able. In the meantime, in the circumstances we are in, we have nothing left in our power to do at present, but to declare to the world, that as our right is indefeasible, so we are resolved, with the help of God, never to depart from it, but with our life. And therefore, we do here solemnly protest again, in the strongest manner we are capable of, against all injustices, that have been, or shall hereafter be done, to the prejudice of us, our lawful heirs and successors, reserving and asserting, by these presents, under our great seal, all our rights, claims, and pretensions whatsoever, which do, and shall remain, in their full force and vigour, declaring, that after this, we shall not think ourselves answerable, before God or man, for the pernicious consequences, which the new usurpation of our crowns may draw upon our subjects, and upon all christendom.

Given at our court at Plombiers, y^e 29th August, 1714.

to bring the violaters of the public peace, to merited punishment; and commanding that, for the suppression of tumults, all existing statutes, from that of Henry IV., should be strictly enforced. The acts of the thirteenth of Charles II., and the first of William and Mary, were also ordered to be fully executed against all papists, nonjurors, &c., "by tendering to them the declaration and oaths therein mentioned, and taking from the refusers thereof, their horses, arms, and ammunition, and using their endeavours to confine them to their houses, as appointed by an act in the sixth of the late queen. All popish recusants, natives, or denizens, above the age of sixteen, were commanded to repair to their respective places of abode, and not to remove thence, or pass above the distance of five miles, unless thereunto licensed according to law." And to check the impertinence of the clergy, "his majesty, by the advice of his privy council, issued directions to the archbishops and bishops, for preserving unity in the church, purity of the christian faith, and the peace and quiet of the state, charging them strictly to publish them, and to see that they be accordingly observed in their several diocesses." The Scripture Doctrine of the Trinity, a book written and published by Dr. Samuel Clarke, had been, by the lower house of convocation, condemned, as containing assertions contrary to the Catholic faith, and his majesty in these directions, requires his bishops to take care, "that no preacher whatsoever, in his sermon, lecture, or writing, do presume to deliver any other doctrine concerning the blessed trinity, than what is contained in the holy Scriptures, nor to intermeddle in any affairs of state or government, or the constitution of this realm, excepting only at such times, and in such manner as is more particularly expressed in these directions."* All this, though springing directly from the royal supremacy, for which they professed the most profound veneration, was, by the high part of the church, regarded as an officious intermeddling in her affairs, alike hurtful to her liberties as a public body, and to the feelings of her members as individuals.

The parliament being dissolved, and a proclamation issued

* London Gazette, December 14th, 1714.

for calling a new one in the month of January 1715, nothing was to be seen in England but the bustle of electioneering, heightened at this time by the violence of party feeling, so as to render many places scenes of the most shameful disorder. The measures adopted by the ministry, who had already sealed up the papers of the earl of Strafford, on his return from the Hague, and recalled Prior from France, showed plainly that they had a design to make a judicial inquiry into the conduct of the late ministry, so soon as the new parliament should be convened, and the proclamation issued by his majesty for calling this parliament, left no room for any to question but it was the hope and the desire of the ministry to have a parliament exactly to their own mind. "It having pleased Almighty God," said his majesty, "by most remarkable steps of his providence, to bring us in safety to the crown of this kingdom, notwithstanding the designs of evil men, who showed themselves disaffected to our succession, and who have since, with the utmost degree of malice, misrepresented our firm resolution and uniform endeavour, to preserve and defend our most excellent constitution, both in church and state, and attempted, by many false suggestions, to render us suspected to our people, we cannot omit, on this occasion, of first summoning our parliament of Great Britain, (in justice to ourselves, and that the miscarriages of others may not be imputed to us, at a time when false impressions may do the greatest and irrecoverable hurt before they can be cleared up,) to signify to our whole kingdom, that we were very much concerned, on our accession to the crown, to find the public affairs of our kingdom under the greatest difficulties, as well in respect of our trade, and the interruption of our navigation, as of the great debts of the nation, which, we are surprised to observe, have been very much increased since the conclusion of the last war. We do not, therefore, doubt, that if the ensuing elections shall be made by our loving subjects, with that safety and freedom, which by law they are entitled to, and we are firmly resolved to maintain to them, they will send up to parliament the fittest persons to redress the present disorders, and to provide for the peace and happiness of our kingdoms, and the ease of our

people for the future, and therein will have a particular regard to such as showed a firmness to the protestant succession when it was most in danger. We have, therefore, found it necessary, as well for the causes aforesaid, as for other weighty considerations concerning us and our kingdoms, to call a new parliament; and we do, accordingly, declare, that, with the advice of our privy council, we have this day given orders," &c. &c. This was plain speaking, and too true to be flatly denied; but it awakened the utmost indignation in the whole body of the tories, and they met it by a charge of undue interference with the freedom of elections, which they themselves immediately violated in every instance where it was in their power. Sheriffs, in many places, they forcibly prevented from doing their duty, and many false returns were made, by which means a number of the ministerial tories were returned, and among others Thomas Forster of Bamborough, whom we shall soon meet at the head of an army, arrayed against his lawful sovereign, to whom he had sworn fealty, and in behalf of the chevalier, whom he had solemnly abjured.

From the limited nature of the elective franchise in Scotland, it was impossible to carry on elections there with the same mischievous effect as in England, but nothing that could be thought upon, as tending to promote sedition, or forward rebellion, was neglected. The weight of taxation, occasioned by the Union, was strongly insisted upon as calling for the united exertions of all who wished well to their country, for having that ruinous treaty, as it was still denominated, speedily dissolved; and it was proposed that no one should be chosen as a representative, either for peers or commons, who was not known to be determined on the immediate prosecution of that measure; and, for a moment, this seemed to be an almost universal feeling. It was soon, however, discovered that the Jacobites were every where exerting themselves with uncommon zeal, and the more moderate party, rightly suspecting that the ruin of the Scottish church, and the setting aside the protestant succession, so auspiciously established in the person of George I., were objects which they had more at heart than the delivering of the country from any of its miseries, either real or pretended, wisely refused

to concur with them. The elections of course went on for the most part smoothly, and the members returned were almost to a man firm friends to the succession as now established, though some of them were very desirous, could they have been certain of a proper time and a fair opportunity, to have seen a dissolution of the Union, which, it must be confessed, had not as yet realized the sanguine expectations either of its projectors or supporters.

Inverness was, perhaps, the only place in Scotland where the Jacobites attempted to carry their purpose into effect by force, and they were utterly unsuccessful, from one of these singular combinations, which, we have already seen, and shall often have occasion again to see, attended the unfortunate pretender at almost every step of his progress. The government candidate was the honourable John Forbes of Culloden, a person of known loyalty, and universally beloved. He was opposed by Mackenzie of Prestonhall, who, to compel the Frazers to vote for him, brought Glengary and a great assemblage of papists in his train. Culloden, however, carried the day through the influence of his neighbour, brigadier general Grant, and Simon Frazer of Beaufort, the famous lord Lovat, who had just escaped from France, and was doing his utmost to obtain the countenance of the British government,* and by that means the estate of Lovat, and the chieftainship of the Frazers. Of the estate of Lovat, Prestonhall was at this time in possession, and he laid claim to be head of the Frazers also, having married the baroness of Lovat, eldest daughter of Hugh, late lord Lovat, in whose person, it was decreed by the court of session in 1702, were the honours and dignity of Lovat. Prestonhall, in consequence, assumed the name of Frazer, and the title of Frazerdale;† but the greater part of the Frazers refusing to submit to him, signed an address to the king, and made a full resignation of their clan to the duke of Argyle as their chief, at the very time when all the other clans were signing the address to his majesty in favour of high church and the

* *Memoirs of the Life of Lord Lovat*, written by himself, pp. 452, 453.

† *Douglas' Peerage of Scotland*, by Wood, vol. ii. p. 159.

tories, which was to have been laid before the king at his accession through the earl of Marr, [*vide* a preceding note], but which a variety of circumstances prevented him from being able to accomplish. Lord Ila and the duke of Argyle were in the meantime exerting themselves in behalf of Simon Frazer of Beaufort, and Simon himself, always awake to whatever promised to promote his schemes of aggrandizement, threw the whole weight of his interest with the Frazers into the scale of Culloden, for the double purpose of mortifying Prestonhall, who was more sincerely attached to the pretender than he was himself, and securing the powerful patronage of the Forbesea, which he was fortunate enough to enjoy without interruption, till he foolishly threw it away in the year 1745.*

* The following letters, &c. throw some light upon the character of this arch apostate and villain, and demonstrate to what a man may attain, even under regular government, among virtuous and wise men, by the exercise of mere cunning and selfishness, though he be possessed of scarcely one single virtue. The first is directed to the laird of Culloden:—

“ Much honoured and D^r Sir,

“ THE real frdship y^t I know you have for my person and family, makes me take the freedom to assure you of my kind service, & to intreat of you to join wth my other friends betwixt Spy and Nesse, to sign y^e address y^e court requires, in order to give me my remission. Your cousin James, who has generously expos’d himself to bring me out of chains, will inform you of all steps & circumstances of my affairs since he saw me. I wish, D^r Sir, from my heart, you were here; I am confident you would speak to the Duke of Argyle & to the Earl of Isla, to let them know their own interest, and their reiterated promises to do for me: perhaps they may have, sooner than they expect, a most serious occasion for my service. But its needless now to preach y^t doctrine to them; they think ymselves in ane infallible security; I wish they may not be mistaken. Hower, I think its the interest of all those, who love this government, betwixt Spy and Nesse, to see me at the head of my clan, ready to join them; so y^t I believe, none of them will refuse to sign ane addresse to make me a Scotsman. I am persuaded, D^r Sir, y^t you will be of good example to y^m on y^t head. But secrecy above all most be kept; without which all may go wrong. I hope you will be stirring for the parliament, for I will not be reconciled to you, if you let Prestonall outvote you. Bregadeer Grant, to whom I am infinitely obliged, has written to Foyers to give you his vote; and he is ane ungrat villain if he refuses him. (If) I was at home, the little pityful barons of the aird, durst not refuse you. But I am hopefull y^t the news of my going

The Jacobites, however, though generally foiled at the elections, were not by any means discouraged, but were actively and coolly, though secretly, at the very time making preparations for submitting their claims to the decision of

to Brittain, will hinder Prestonall to go north, for I may come to meet him when he least thinks of me. I am very impatient to see you, and to assure you most sincerely how much I am, wth love and respect,

Right honourable, your most obedient,

And most humble servant,

LOVAT.*

The 24th of November, 1714.

The next from Culloden to his brother, Duncan Forbes, relates to and throws light upon this same affair of Lovat's:—

“Dear Brother:—I send you by this express, a packet, which, if my lord Ilay is at Edin^b, you yourself are to deliver to him, and if still att London, to forward carefully to him. It contains ane address from the Frasers to the king; and likewise a full resignation of their clan to Argyle as ther chieff. Ther doing this at a jouncture, when the other clans are forcing through ane other address in favours of the high church, and I truly think pairtly levelled at Argyle, ought not to be forgot; for I can assure you there was no stone left unturned by the other clans to divert them from it; even to that degree, that they were at daggers drawing about it. I, therefore, truly think the duke should take them heartily by the hand and support them, now that they have cast out with all the Highlands on his grace's accoumpt. Our Aird Frasers, viz. Relict, Dunballach, Belladrum, Kinnarid's, and Dunballach's brethren, have subscribed the Hyland address with Fraserdealls; but Ahnagarn would not. Pray, fail not to speak to my lord Ilay, that he cause Streachen, who is now at the collodge, or with my lady duches, at Diddeston, subscribe the Fraser's address before its sent up.” &c. &c.—Culloden Papers, p. 33.

The following is the petition that was sent up for Lovat in the year 1714, and the grant that followed it, for his services to the government during the time of the rebellion, taken from the Culloden Papers, pp. 336—338:—

“We, your majesty's most dutiful and loyal subjects under subscribing, who have always endeavoured to distinguish ourselves by our zeal for the protestant succession in your majesty's royal family, which has now taken place to the happiness of these nations, and the disappointment of all the enemies to liberty and the protestant religion, do humbly implore your royal mercy for one of your subjects, who, though banished and a prisoner, has now lately, when the greatest dangers did seem to surround us, by the influence he has over a numerous clan, supported with us that cause, which, in defence of your

* Culloden Papers, pp. 32, 33.

the sword, and by the end of February, their arrangements throughout the north were represented as nearly complete. A vessel had landed her cargo, arms and ammunition, in the island of Skye, whence several emissaries had dispersed them-

majesty's undoubted title to the crown, wee have to the utmost of our power endeavoured to maintain. This unhappy nobleman, my lord Lovat, for whom, in all humility, we offer this petition, would not be so presumptuous as himself to make any request to your majesty; but has appealed to those who are known to have openly and firmly devoted themselves to your majesties service. And his relations desiring us to be witnesses of the truth in his behalf, we could much less in justice than in compassion, refuse to bear this evidence to your majesty; that by the assistance and power of those by the name of Fraser, who are almost all under his direction, we have strengthened ourselves in the defence of the present happy constitution in church and state. These are the motives which have compelled us in the most humble manner to lay my lord Lovat's case before your majesty; and we are so sensible, not only of his power, but of his sincere intentions to join with us, in the supporting inviolably the authoritie of your majesty's government in the north of Scotland, that if we can be so happy as to obtain the royall favour for him, we humbly make offer to become bound for his loyal, faithful, and dutifull behaviour to your majestie, in whatever sum your majesty shall be graciously pleased to appoint."

A list of the considerable persons of Inverness, Morray, and Nairne, who signed this address to his majesty in favours of the lord Lovat; and who are known to be zealously affected to the present constitution, and the most landed men in those shires:—

Alexr. Grant of Inverness sh. M. of Part.	Hugh Rose of Claver
Alexr. Dunbar of Bishop Mill, Sheriff	John Rose of Bradlies
of the sh. of Morray	Thomas Tullock of Fannochie
Sir Henry Innes of that Tlk. Baronet	John Brodie of Windiehill
Sir Archibald Campbell of Clunes	James Brodie of Whitehills
Hugh Rose of Killravock	James Dunbar of Cleves
Hugh Rose of Kilravock yor.	John Roy, Baillie of Forres
James Brodie of Brodie	John Finlay, Baillie
John Forbes of Culloden, Member of	Robert Logan, Baillie
Part. for Inver. sh.	Robert Ephington, Baillie
Alexr. Brodie of Lethin	Thomas Urquhart, Dean of Guild
David Dunbar of Dunphail	Alexr. Paterson, Treasurer
Thomas Brodie of Pitgavie	Robert Urquhart, Counsellor
Lodwick Dunbar of Grange	John Brodie, Counsellor
Alexr. Cumming of Logie	William Dawson, Counsellor
George Cuthbert of Castlehill	Alexr. Piterkin, Counsellor
John Cuthbert of Castlehill yor.	Mr. William Stewart, Minister of In-
Robert Urquhart of Burdsyard	verness
Alexr. Dunbar of Moy	Mr. Robert Baillie, Minister of Inverness
Lodwick Dunbar of Moy yor.	Mr. Alexr. Fraser, Minister of Croy
Colline Campbell of Delves	Mr. Thomas Fraser, Minister of Strath-
John Rose of Blackhills	erick
James Sutherland of Kinsterie	Mr. James Calder, Minister of Calder
James Sutherland of Greenhall	Mr. George Brodie, Preacher
Jonathan Dunbar of Tulliglens	George Mackay, Sheriff of Nairne

selves over the country, and the chevalier, it was confidently reported, would follow in a few days, accompanied by an army of twelve thousand men. These reports do not appear to have made any great impression on the public mind, as they called forth, for the time, no greater preparations than the reviewing of a single regiment [Forfar's], and the moving of a few dragoons from Jedburgh, Kelso, and other parts on the borders, to the Links of Leith.

The new parliament, almost every individual member of which had been particularly instructed by his constituents in what manner he was to act,* was assembled on the seven-

A list of the considerable persons of the shires of Ross and Sutherland, that signed this address to his majesty in favours of the lord Lovat; and who are known to be zealously affected to the present constitution, and the most landed men in those shires:—

Earl of Sutherland
Lord Strath Naver
Hugh Ross of Killravock, Sheriff Principal of Ross-shire
Sir Robert Munro of Foulis
Robert Munro yor. of Foulis, Member of Parlt.
George Munro of Cultraine
John Sutherland of Clyne
David Ross of Kindess
Malcomb Ross of Pitcalny
Thomas Ross of Aldy
John Ross of Achnalloich
George Munro of Cullcalirne
Andrew Munro of Westertoun
George Munro of Newmor

Hugh Munro of Teaninich
Hector Munro of Novar
John Munro of Novar yor.
Alexr. Gordon of Ardoch
Adam Gordon of Killfedder
John Gordon of Garthle
William Robertson of Craigmill
William Ross of Easter Fearn
William Ross of Breatangaill
Arthur Ross of Torray
Alexr. Munro of Kilchoan
Farqr. Munro of Wanard
Hugh Munro of Ardullie
Hugh Munro of Kilcalirne
Alexr. Gordon of Wnehpier
Hugh Ross of Folly.

* The reader may take the following as a sample of what these instructions were, and as a specimen of public feeling at the time.

"We, the citizens of London, who have cheerfully elected you to represent us in parliament, and thereby committed to your trust, the safety, liberty, property, and privileges of us and our posterity, think it our duty, as it is our undoubted right, to acquaint you of what we desire and expect from you, in discharge of the great confidence we repose in you, and what we take to be your duty as our representatives.

I. "We desire and expect that you will enquire by whose counsel it was, that after God had blessed the arms of her late majesty and her allies, with a train of unparalleled successes, she was prevailed upon, contrary to the grand alliance, and her repeated promises from the throne to both houses, to send to, or receive managers from France, to treat separately of a peace, without the knowledge or consent of our allies?

II. "By whose advice the emperor's minister, the count de Gallas, was discharged the court, for resenting and opposing these separate negotiations,

teenth of March, 1715, with the usual solemnities. The honourable Spencer Compton was unanimously chosen speaker, and, on Monday the twenty-first, presented to his majesty, who was pleased to inform the house from the throne, that he had ordered the lord chancellor to declare the causes for

contrary, not only to the grand alliance, but to the queen's particular assurances to his master?

III. "By whose advice his majesty's memorial, delivered by his majesty's minister, the baron de Bothmar, against those clandestine and separate negotiations, was not only disregarded, but called a libel, and the said minister affronted?"

IV. "By whose advice and management her majesty was prevailed on, first to come to a cessation of arms with our common enemy, and then so surprisingly to withdraw our troops from those of the allies, which was attended with such dismal consequences?"

V. "By whose advice and management all that had been gained by a profusion of blood and treasure, in a glorious and successful war, was thrown up, just as we were seizing the prize of our conquest; and a freeborn people, brought within the view of slavery?"

VI. "By whose advice and management our constitution was struck at, by creating twelve new lords at once, to carry a vote in the upper-house?"

VII. "By whose advice it was, that the treaty with the French for settling our common barrier in the Netherlands, and making them guarantees of the protestant succession, was enervated, and a new treaty which weakened both securities, made in its place?"

VIII. "By whose advice and management, we were mocked with the assurances of being free from the danger of the neighbouring fortress of Dunkirk; and whether the late ministry, or any of them did agree, that the French king should make a new harbour at Mardyke, as part of the equivalent for demolishing the fortifications and harbour of Dunkirk?"

IX. "By whose advice and management the best branches of our trade were exchanged for chimeras, and the ruin of the whole endangered by a vile treaty of commerce with France?"

X. "How the expedition in Canada came to miscarry; and by whose advice her majesty, contrary to her proclamations published in New England, &c. for encouraging that expedition, came to allow the French to keep their interest in Canada, to sell that in Newfoundland, and to settle on Cape Breton, to the great detriment of our fishing trade, and to the manifest danger of all our plantations in North America?"

XI. "By what advice it was, that the confederates were refused to be invited to be guarantees to the protestant succession, though her majesty had promised it in her answer to the addresses of both houses, in 1708?"

XII. "By whose advice it was, that his now royal highness, George prince of Wales, was denied the liberty to come and take his place in parliament, when the presence of one of the illustrious family of Hanover was so abso-

calling this parliament. At the same time he delivered to the chancellor the following, which his lordship read as his majesty's speech to both houses of parliament:—"My lords and gentlemen, This being the first opportunity that I have had of meeting my people in parliament, since it pleased

lutely necessary to quiet the minds of the subjects, and to secure us from the just apprehensions we had of danger from the chevalier?

XIII. "By whose advice it was, that his majesty's minister, baron Schutz, was discharged the court, because he demanded a writ for the prince?

XIV. "By whose advice, Sir Patrick Lawless, the chevalier's agent or envoy, was entertained at court at the same time, and honourably conveyed beyond sea, soon after it was complained of in parliament?

XV. "By whose advice and management, our holy church was in danger of being given up to popery, our civil rights to tyranny, and the way prepared for the chevalier?

XVI. "By whose advice it was, that the Jacobite clans in Scotland were armed and kept in pay, and that levies of men for the chevalier in Great Britain and Ireland, were so long connived at?

XVII. "By whose management it was, that the public affairs of the kingdom are brought under the greatest difficulties, as well in respect to our trade, and the interruption of our navigation, as of the great debts of the nation, which have been very much increased since last war, as his majesty has been graciously pleased to inform us, in his proclamation for calling a new parliament?

XVIII. "We also desire and expect, that you concur in demanding an account how the money raised by parliament has been expended since the change of the ministry, in 1710.

XIX. "That you not only concur in such enquiries, but also in a parliamentary way, to bring such to justice as shall be found guilty of those mismanagements; this being a duty owing to ourselves as well as our confederates, and indispensably necessary for retrieving the honour of the nation, and restoring a due confidence and harmony betwixt us and our allies?

XX. "That you concur in making such laws as shall be thought necessary for the better security of the churches of England and Scotland, as severally by law established; and for suppressing and preventing these seditious and groundless clamours, of the church of England being in danger by his majesty's administration?

XXI. "That you concur in giving the king such sums as shall be thought necessary for enabling his majesty to defend the nation, to support and retrieve our trade, and to keep the balance of Europe, which is threatened with a new war, by the intrigues of our common enemies." Publication of that day, &c. &c.

* His majesty George I. could not speak, nor could he read, English. These circumstances were often urged against him by the Jacobites, and were supposed to afford very fair grounds for refusing to acknowledge him as sovereign of these realms.

Almighty God, of his good providence, to call me to the throne of my ancestors, I most gladly make use of it to thank my faithful and loving subjects, for that zeal and firmness that hath been shown in defence of the protestant succession, against all the open and secret practices that have been used to defeat it; and I shall never forget the obligations I have to those who have distinguished themselves upon this occasion.

“ It were to be wished, that the unparalleled successes of a war, which was so wisely and cheerfully supported by this nation, in order to procure a good peace, had been attended with a suitable conclusion. But, it is with concern, I must tell you, that some conditions, even of this peace, essential to the security and trade of Great Britain, are not yet duly executed, and the performance of the whole may be looked upon as precarious, until we shall have formed defensive alliances to guarantee the present treaties.

“ The pretender, who still resides in Lorrain, still threatens to disturb us, and boasts of the assistance which he still expects here to repair his former disappointments.

“ A great part of our trade is rendered impracticable. This, if not retrieved, must destroy our manufactures, and ruin our navigation.

“ The public debts are very great, and surprisingly increased, ever since the fatal cessation of arms. My first care was to prevent a farther increase of these debts, by paying off forthwith a great number of ships, which had been kept in pay, when there was no occasion for continuing such an expense.

“ Gentlemen of the house of commons:—I rely upon you for such supplies as the present circumstances of our affairs require for this year's service, and for the support of the public faith. The estimates shall be laid before you, that you may consider of them; and what you shall judge necessary for your safety, I shall think sufficient for mine.

“ I doubt not but you will concur with me in opinion, that nothing can contribute more to the support of the credit of the nation, than a strict observance of all parliamentary engagements.

“ The branches of the revenue, formerly granted for the support of the civil government, are so far encumbered and alienated, that the produce of the funds which remain and have been granted to me, will fall much short of what was at first designed for maintaining the honour and dignity of the crown; and since it is my happiness, as I am confident you will think it yours, to see a prince of Wales, who may, in due time, succeed me on the throne, and to see him blessed with many children, the best and most valuable pledges of our care and concern for your prosperity, this must occasion an expense to which the nation has not of many years been accustomed, but such as surely no man will grudge; and, therefore, I do not doubt but you will think of it with that affection which I have reason to hope from you.

“ My lords and gentlemen:—The eyes of all Europe are upon you waiting the issue of this first session. Let no unhappy division of parties, here at home, divert you from pursuing the common interest of your country. Let no wicked insinuations disquiet the minds of my subjects. The established constitution in church and state shall be the rule of my government; the happiness, ease, and prosperity of my people shall be the chief care of my life. Those who assist me in carrying on these measures, I shall always esteem my best friends; and I doubt not but that I shall be able, with your assistance, to disappoint the designs of those who would deprive me of that blessing, which I most value, the affections of my people.”

This was certainly a very extraordinary speech, and, taken in connexion with the instructions given to members of parliament by their constituents, a specimen of which we have already given, proves that the country in general had a most decided feeling of hostility towards the late ministry, and laboured under a deep sense of disgrace and impending ruin accruing from their measures. The address, which, though violently debated, was carried by a great majority, showed that the feeling of the parliament was in perfect unison with that of the country. After thanking his majesty for his most gracious speech, his kind assurance that the constitution should be the alone rule of his government, and his tender

concern for the loss to the nation of so many splendid achievements by an illtimed and insecure peace; they go on to say, that they met together with hearts deeply sensible of the divine goodness that had brought his majesty with safety, and at a juncture so critical, to the throne of his ancestors. They express their wonder, that a pretender to his crown should be allowed to reside so near to his dominions; and while they admit that trade is rendered impracticable in its most valuable branches, they assure his majesty that nothing shall be wanting on their part to retrieve it; and they doubt not, but that his majesty, "assisted by this parliament, zealous for his government, and the safety and honour of their country, will be able to secure what is due to us by treaty, ease our debts, preserve public credit, restore trade, extinguish the very hope of the pretender, and recover the reputation of the kingdom in foreign parts, the loss of which, they hope to convince the world by their actions, is not to be imputed to the nation in general." In expressing the same sentiments, the commons were still more explicit. They profess "the utmost astonishment to find, that any conditions of the late peace, essential to the security and trade of Great Britain, should not yet be duly executed, and that care was not taken to form such alliances as might have rendered the peace not precarious. And as no care shall be wanting in your loyal commons to inquire into these fatal miscarriages, so we entirely rely upon your majesty's wisdom to enter into such alliances as you shall judge necessary to preserve the peace of Europe; and we faithfully promise to enable your majesty to make good all such engagements. It is with just resentment we observe that the pretender still resides in Lorrain, and that he has the presumption, by declarations from thence, to stir up your majesty's subjects to rebellion. But that which raises the utmost indignation of your commons is, that it appears therein, that his hopes were built upon the measures that had been taken for some time past in Great Britain. It shall be our business to trace out those measures whereon he placed his hopes, and to bring the authors of them to condign punishment." In the course of the debate upon this address in the commons, "Mr. Stanhope assured the house, that notwith-

standing all the endeavours which had been used to prevent a discovery of the late mismanagements, by conveying away several papers from the secretary's office, yet the government had sufficient evidence left, to prove the late ministry the most corrupt that ever sat at the helm. That those matters would be laid before the house, and that it would appear, that a certain English general [Ormond] had acted in concert with, if not received orders from *marshal Villars*.*

The late ministry had hitherto treated public opinion as of very little consequence, and carried themselves with a great deal of apparent unconcern. It was now, however, evident that a serious inquiry into their conduct was intended, and the most criminal began to look out for secure hiding places. Bolingbroke, aware of the return of Prior from Paris, and, no doubt, of the evidence which it was in his power to give, escaped to Dover in the disguise of a servant, where he embarked for France, and arrived the same day at Calais. He immediately joined the court of the pretender, was soon after attainted, lost his honours and an estate of two thousand pounds a year, and was an exile for several years.† Oxford was shortly after impeached and sent to the tower. The duke of Ormond was also impeached, but, like Bolingbroke, fled to the pretender, in whose behalf his military genius was exerted with as little effect as it had formerly been for the British nation. These matters, however, do not come within the limits of this history, the space allotted to which, would be insufficient for giving a clear and discriminating view of them. After all the attempts that have been made to elucidate this portion of British history, it remains a greatly unknown, but rich field for exercising the patience, and displaying the judgment and penetration of some future historian.

While the parliament was thus labouring to correct former mismanagements, and to bring the speculators of the public

* *Annals of King George*, p. 369.

† The loss to the family was repaired in 1716, by his father, Sir Henry St. John, being created viscount St. John and baron of Battersea. Mr. St. John received, after a while, his majesty's pardon, and, in 1725, an act of parliament was passed, enabling him to inherit his father's honours and estates. *Memoirs of the Life and Ministerial Conduct of Lord Bolingbroke*.

to justice, the tories had again recourse to their old and favourite system of mobbing, which they now carried to a greater height than upon any former occasion. Saturday the twenty-eighth of May, being the anniversary of his majesty's birth-day, was selected by the party for commencing a series of riotous proceedings probably without example in the history of civilized kingdoms, proceedings that regarded neither life nor property, and trampled equally upon the humble individual, and upon the associated community. Some gentlemen attached to the constitution in and about Oxford, having met in honour of the day, a malicious report was circulated that it was their intention to burn in effigy, the late queen, the duke of Ormond, lord Bolingbroke, the Pope, Dr. Sacheverel, and the devil together; which, absurd and ridiculous as it was, had the effect of converting the inhabitants of that celebrated seat of science into one vast mob, by which the whigs were instantly driven into hiding-places, the presbyterian meeting-house pulled down, a bonfire made of the windows, pulpit, and pews, and Mr. Roby, the minister, burnt in effigy; after which, they kept running about the streets like so many madmen, during the night searching for whigs, vociferating "an Ormond, an Ormond, a Bolingbroke, a Bolingbroke, down with the Roundheads, no Constitution, no Hanover, a new Restoration!" The night following being the anniversary of the restoration of Charles II., they assembled again, and, that the presbyterians might not have the honour of being the alone objects of their detestation, demolished the meeting-houses of the baptists and the quakers.

On the tenth of June, the anniversary of the birth of the chevalier, the Jacobites in London showed the most determined attachment to the cause, by observing it as a day of the highest solemnity. All their windows were illuminated, and they had a mob sufficiently numerous, and sufficiently audacious to break all the windows that were not illuminated, not even excepting those of the lord mayor. Passing through Smithfield, this infuriated rabble burnt a print of king William, roaring out at the same time, "High church and the duke of Ormond," and, as there was not a force at hand to suppress them, they rolled along, committing every species of

mischief, till they reached Cheapside, where they were met and quelled by the constables, and an assemblage of respectable citizens who had come forward to assist them. Thirty of the rioters were here secured and committed to prison. One Bournois, a professed French schoolmaster, but in reality, a popish priest, was, the same evening, apprehended in the act of publicly denying the king's right to the crown, for which he was tried, sentenced, and publicly whipped with so much severity as, in a few days, to occasion his death. This tenth of June, indeed, seems to have brought the mobbing system to perfection, and during the remainder of this and great part of the following month, dissenters from the church of England of all descriptions, papists alone excepted, were persecuted with the most unrelenting ferocity, their persons wantonly insulted, their meeting houses thrown down, and their dwelling houses rifled. In many places it became necessary to call out the militia, who were often unable to repress the mischief, which raged with unabated violence till the twentieth of July, when the parliament passed the famous riot act, which, vigorously executed, put an end to the evil, and to the lives of a number of the misguided rioters at the same time.*

* The following is a copy of this celebrated act, which, as it is still the law of the land, deserves to be known by every individual, especially in cities where the inhabitants may be very simply and very thoughtlessly brought within its terrific grasp.

"An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters.

"Whereas, of late, many rebellious riots and tumults have been in diverse parts of this kingdom, to the disturbance of the public peace, and endangering of his majesty's person and government; and the same are yet continued and fomented by persons disaffected to his majesty, presuming so to do, for that the punishments provided by the laws now in being, are not adequate to such heinous offences: And by such rioters his majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from his majesty; therefore, for the preventing and suppressing of such riots and tumults, and for the more speedy and effectual punishing the offenders therein, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons in this present parliament

In Scotland, the friends of the chevalier were equally zealous as in England, but they conducted themselves more closely, and more systematically. Arms and ammunition they were carefully providing, and by all possible means augmenting the

assembled, and by the authority of the same, that if any persons, to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, at any time after the last day of July, in the year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Sheriff of the county, or his under Sheriff, or by the Mayor, Bailiff, or Bailiffs, or other head Officer, or Justice of the Peace of any City, or Town corporate, where such assembly shall be, by Proclamation, to be made in the King's name, in the form herein after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, (notwithstanding such proclamation made,) unlawfully, riotously, and tumultuously remain, or continue together, by the space of one hour after such command or request made by proclamation, that then such continuing together, to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony, without benefit of clergy.

" And be it farther enacted, by the authority aforesaid, that the order and form of the Proclamations that shall be made by the authority of this Act, shall be as hereafter followeth, (that is to say,) the Justice of the Peace, or other person authorised by this Act to make the said Proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded silence to be, while Proclamation is making. And after that, openly and with loud voice, make, or cause to be made, proclamation, in these words, or like in effect;—

" Our Sovereign Lord the King, chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the first year of King George, for preventing tumults and riotous assemblies. God save the King.

" And every such Justice and Justices of the Peace, Sheriff, under Sheriff, Mayor, Bailiff, and other head officer aforesaid, within the limits of their respective jurisdictions, are hereby authorised, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be, of persons to the number of twelve or more, and there to make, or cause to be made, proclamation in manner aforesaid.

" And be it farther enacted, by the authority aforesaid, that if such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of

number of their adherents; but, with the exception of John M'Allen, an officer of excise at Crief, in Perthshire, whom, during the night, they attacked in his lodgings, and after beating him most inhumanly, cut off one of his ears, saying,

them, after proclamation made in manner aforesaid,* shall continue together, and not disperse themselves within one hour, that then it shall, and may be lawful to, and for every Justice of the Peace, Sheriff, or under Sheriff of the County, where such assembly shall be, and also to and for every high or petty Constable, and other Peace Officer within such County, and also to and for every Mayor, Justice of the Peace, Sheriff, Bailiff, and other head Officer, high or petty Constable, and other Peace-Officer of any City or Town corporate, where such assembly shall be, and to and for such other person and persons as shall be commanded to be assisting unto any such Justice of the peace, Sheriff, or under Sheriff, Mayor, Bailiff, or other head Officer aforesaid, (who are hereby authorised and empowered to command all his Majesty's subjects of age and ability, to be assisting to them therein,) to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously continuing together, after proclamation made as aforesaid; and forthwith to carry the persons, so apprehended, before one or more of His Majesty's Justices of the Peace of the County or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences, according to law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such Justice of the Peace, Sheriff, under Sheriff, Mayor, Bailiff, head Officer, high or petty Constable, or other Peace Officer, and all and singular persons, being aiding and assisting to them, or any of them, shall be free, discharged, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other person or persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons, so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt, as aforesaid.

" And be it farther enacted, by the authority aforesaid, that if any persons unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force, demolish or pull down, or begin to demolish or pull down any church or chapel, or any building for religious worship, certified and registered according to the statute made in the

* Although it is necessary that the charge for dispersing be read, and one hour expire, before the civil Magistrate can legally use force for dispersing a mob or crowd, where more than twelve persons shall have assembled, while they do not commit any outrage; yet, the moment that any outrage is committed, although the mob may not amount to twelve persons, the civil Magistrate may lawfully use immediate force, to maiming or killing, without reading the Riot Act.

they had marked him for Hanover, it does not appear that they gave way to any thing like a spirit of outrage, either against individuals or public bodies. Even his majesty's birthday, which was productive of so much tumult in England, seems

first year of the reign of the late King William and Queen Mary, entitled, an Act for exempting their Majesty's Protestant subjects dissenting from the Church of England, from the penalties of certain laws, or any dwelling-house, barn, stable, or other out-house, that then every such demolishing or pulling down, or beginning to demolish or pull down, shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony, without benefit of clergy.

" Provided always, and be it farther enacted by the authority aforesaid, that if any person or persons, do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person or persons that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons, so beginning, or going to make such proclamation, as aforesaid, shall be adjudged felony, without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death, as in case of felony, without benefit of clergy; and that also, every such person or persons, so being unlawfully, riotously, and tumultuously assembled, to the number of twelve, as aforesaid, or more, to whom proclamation should, or ought to have been made, if the same had not been hindered, as aforesaid, shall likewise, in case they, or any of them, to the number of twelve or more, shall continue together, and not disperse themselves within one hour after such let or hinderance so made, having knowledge of such let or hinderance so made, shall be adjudged felons, and shall suffer death, as in case of felony, without benefit of clergy.

" And, be it farther enacted, by the authority aforesaid, that, if after the said last day of July, one thousand seven hundred and fifteen, any such church or chapel, or any such buildings for religious worship, or any such dwelling-house, barn, stable, or other out-house, shall be demolished or pulled down wholly, or in part, by any persons so unlawfully, riotously, and tumultuously assembled, that then, in case such church, chapel, building for religious worship, dwelling-house, barn, stable, or out-house, shall be out of any City or Town, that is, either a County of itself, or is not within any Hundred, that then the inhabitants of the Hundred, in which such damage shall be done, shall be liable to yield damages to the person or persons injured and damaged by such demolishing or pulling down wholly or in part; and such damages shall, and may be recovered by action to be brought in any of His Majesty's Courts of Record at Westminster, (wherein no essoin, protection, or wager of law, or any imparlance, shall be allowed,) by the person or persons damaged thereby, against any two or more of the inhabitants of such Hundred; such action for damages to any church or chapel to be brought in

to have been pretty generally celebrated in Scotland, without any very violent opposition. The town of Dundee, indeed, which was at the time ruled by a Jacobite magistracy, was forbidden, by tuck of drum, under a penalty of forty pounds

the name of the Rector, Vicar, or Curate of such church or chapel, that shall be so damaged, in trust for applying the damages to be recovered in rebuilding or repairing such church or chapel; and that judgment being given for the plaintiff or plaintiffs in such action, the damages so to be recovered shall, at the request of such plaintiff or plaintiffs, his or their executors or administrators, be raised and levied on the inhabitants of such Hundred, and paid to such plaintiff or plaintiffs, in such manner and form, and by such ways and means, as are provided by the statute made in the seven-and-twentieth year of the reign of Queen Elizabeth, for reimbursing the person or persons on whom any money recovered against any Hundred by any party robbed, shall be levied; and in case any such church, chapel, building for religious worship, dwelling-house, barn, stable, or out-house, so damaged, shall be in any City or Town that is either a County of itself, or is not within any Hundred, that then such damages shall, and may be recovered by action, to be brought in manner aforesaid, (wherein no essoin, protection, or wager of law, or any imparlance, shall be allowed,) against two or more inhabitants of such City or Town; and judgment being given for the plaintiff or plaintiffs, in such action, the damages so to be recovered, shall, at the request of such plaintiff or plaintiffs, his or their executors or administrators, made to the Justices of the Peace of such City or Town, at any Quarter Sessions to be holden for the said City or Town, be raised and levied on the inhabitants of such City or Town, and paid to such plaintiff or plaintiffs, in such manner and form, and by such ways and means, as are provided by the said statute, made in the seven-and-twentieth year of the reign of Queen Elizabeth, for reimbursing the person or persons on whom any money, recovered against any Hundred by any party robbed, shall be levied.

" And be it farther enacted by the authority aforesaid, that this Act shall be openly read at every Quarter Sessions, and at every leet or law day.

" Provided always, that no person or persons shall be prosecuted by virtue of this Act, for any offence or offences committed contrary to the same, unless such prosecution be commenced within twelve months after the offence committed.

" And be it farther enacted by the authority aforesaid, that the Sheriff, and their Deputies, Stewards, and their Deputies, Baillies of Regalities, and their Deputies, Magistrates of Royal Burghs, and all other inferior Judges and Magistrates, and also all high or petty Constables, or other Peace Officers of any County, Stewarty, City, or Town, within that part of Great Britain called Scotland, shall have the same powers and authority for putting this present Act in execution within Scotland, as the Justices of the Peace and other Magistrates aforesaid, respectively, have by virtue of this Act, within and for the other parts of this Kingdom; and that all and every person and persons,

Scots for every individual found disobeying, to make any public demonstrations of joy in honour of the day; but the effect was only to render the loyalty of the well affected more ardent, and its display more imposing. The presbyterians, determined to show their loyalty to their king, and at the same time, yield obedience to their own magistrates, went to Dudhope House, without the precincts of the town, where, in a body, they drank his majesty's health, a health to all his friends, and confusion to his enemies, under discharges of small arms, after which, they returned each to his own habitation, without any disorder, to the no small mortification of the magistrates. The magistrates, however, revenged themselves next day, by celebrating with great pomp the anniversary of the restoration of Charles II.*

For this difference of conduct, on the part of the Scottish and the English Jacobites, various reasons might be assigned. In the first place, the English Jacobites were only tories, the mere slaves of tyranny and superstition; it mattered little to them who was king, if he submitted to them the direction of his measures, and the emoluments of his government. The Scottish Jacobites were, the greater part of them, admiring enthusiasts, willing to do all, or to suffer all, for a man, whose right to their allegiance was laid in the most remote ages, had been sanctified

who shall at any time be convicted of any the offences aforementioned, within that part of Great Britain called Scotland, shall for every such offence incur and suffer the pain of death, and confiscation of moveables. And also that all prosecutions for repairing the damages of any church or chapel, or any building for religious worship, or any dwelling-house, barn, stable, or out-house, which shall be demolished, or pulled down in whole or in part, within Scotland, by any persons, unlawfully, riotously, or tumultuously assembled, shall and may be recovered by summar action, at the instance of the party aggrieved, his or her heirs, or executors, against the County, Stewarty, City, or Burgh, respectively, where such disorders shall happen, the Magistrates being summoned in the ordinary form, and the several Counties and Stewarties called by edictal citation, at the market cross of the head Burgh of such County or Stewarty respectively, and that in general, without mentioning their names and designations.

"Provided, and it is hereby declared, that this Act shall extend to all places for religious worship in that part of Great Britain called Scotland, which are tolerated by law, and where His Majesty King George, the Princes and Princess of Wales, and their issue, are prayed for in express words."

* Rae's History of the Rebellion, p. 142. Pamphlets of the time, &c.

by the suffrage of many generations, and was now rendered doubly sacred by the misfortunes that had overtaken his house, and the exile and sorrow to which errors and crimes not his own had subjected him. The English Jacobites were abetted by a powerful body in the church, which at this time, foolishly for itself, sanctioned all their absurdities. The Scottish Jacobites had the whole weight of sacerdotal authority against them, with the exception of a few vagabond priests, two or three revenueless bishops, and as many curates, as obscurity or insignificance, had protected from the ruin that had already overtaken their brethren. The Scottish church had distinguished herself all along, for zeal in behalf of the protestant succession, and now, when that succession had been so far secured, and she was in hopes of being rewarded for her constancy, by the redress of those grievances, which, in consequence of that very constancy, she had been made to endure, to have stopped short in her career, would have been, if not a neglect of duty, a miserable want of policy. She was happily, however, not so disposed, and if she had, the kind attentions of his majesty, could scarcely have failed to awaken her to better feelings, and a higher sense of duty; for we find him thus addressing the General Assembly, which met at Edinburgh, on the fourth day of May, 1715, by his commissioner, John earl of Rothes:—
“Right Reverend and well beloved, we greet you well. We are so well satisfied with the proofs the church of Scotland have given of their steady adherence to the protestant succession in our family, the loyalty and affection they have shown to our person and government, and their constant zeal for the protestant interest, that we very willingly countenance with our authority, this first assembly of our reign. We cheerfully embrace this opportunity of assuring you, that we will inviolably maintain the presbyterian church of Scotland, her rights and privileges, as we engaged to do, upon our accession to the crown, and will protect her from any illegal insults and encroachments being made upon her, of what kind soever. Nothing can be more acceptable to us, than the promoting of true piety, suppressing of vice and immorality, and preventing the growth of popery, as we have declared in our royal pro-

clamation, and we doubt not, but you, on your parts, will do every thing that can contribute thereunto.”*

The answer of the assembly to these cheering professions is too long to be inserted here; but the first paragraph is too striking and important to be omitted:—“ May it please your majesty—It was with a particular joy and satisfaction, that we received the gracious letter, with which your majesty was pleased to honour us. We esteemed your peaceable accession to the throne of these nations, upon the demise of our late sovereign, queen Anne, so great a blessing, that we were fervent in our prayers to God for it; and we can never be thankful enough, for the merciful return he hath given to our requests, for it is to your majesty under God, we owe the preservation both of our holy religion, and our valuable civil liberties; and we must have been betrayers of both, if we had not been zealously concerned for the succession in your royal family; and though your majesty in your great goodness, is pleased to express a kind resentment of our firm adherence to it, yet we presume not to plead merit upon the account of that, to which both duty and interest did oblige us; but your majesty’s countenancing us with your authority, gives us no small comfort, and engageth us to thankful acknowledgments of your royal favour to us, and to be concerned to manage ourselves, so as not to lose the happiness of the good opinion your majesty is pleased to have of us.

“ The solemn engagement your majesty did cheerfully come under, at your first accession to the crown, to maintain inviolably the rights and privileges of the presbyterian church of Scotland, of which you have the goodness to give us renewed assurances, as also protecting us against all illegal insults and encroachments being made upon us, of what kind soever, leaves us no place for doubts and fears, as to any success that our enemies may have in their designs against us, under your majesty’s happy government, and obligeth us to all the returns of gratitude and duty that we are capable of.”†

The assembly proceeded to record his majesty’s oath for

* Printed Acts of Assembly, 1715.

† Address of the General Assembly to his Majesty, 1715.

maintaining the church of Scotland, with the names of all the noblemen and gentlemen, who were witnesses of this his majesty's royal act. At a future sederunt, they passed an "act concerning the grievances of this church, from toleration, patronages," &c. with a memorial on behalf of the church of Scotland, which, unhappily to this day, in all its most material points, remains unattended to.* This assembly also found it necessary to make

* *At Edinburgh, May 14th, 1715, Sess. 10.*

The committees for instructions and overtures, having had under consideration the grievances this church lies under from patronages, from the toleration as it stands, the hardships imposed upon Scotsmen in office in England and Ireland, and the prejudice done to this church, by the differences that have arisen about the oath of abjuration; and having also considered what the commission of the late General Assembly had done with respect to these, and particularly a memorial which they had drawn about the same, and sent to members of parliament; the committee for overtures gave it as their opinion, that the said memorial did fully express all that was necessary upon these heads; and, therefore, they laid the said memorial before the General Assembly, with an overture as to the management thereof. And which memorial and overture being heard and considered by the General Assembly, they did approve thereof, and agree thereto, and ordained it to be held as the deed and mind of this assembly, as follows:—

Memorial for the church of Scotland, by the General Assembly.

The church of Scotland being restored at the happy revolution, was, by the claim of right, and acts of parliament following thereupon, established in its doctrine, worship, discipline, and government; and that this legal constitution and establishment might be unalterably secured, it was declared to be a fundamental and essential condition of the Union, and accordingly ratified in the parliaments of both kingdoms: but the zeal of the established church of Scotland for, and their steady adherence to the protestant succession, did expose them to the resentment of a disaffected party; and likewise they account themselves aggrieved by some acts past in the parliament of Great Britain; as 1mo, by the act granting such a large and almost boundless toleration to those of the episcopal persuasion in Scotland, while the liberty allowed to protestant dissenters in England, who had always given the most satisfying proofs of their undoubted zeal and good affection to the protestant succession, was retrenched; and though the church of Scotland hath an equal security in a legal establishment with that of England, yet there is a vast inequality, as to the toleration of the respective dissenters. In Scotland, the toleration doth not restrain the disseminating the most dangerous errors, by requiring a confession of faith, or subscription to the doctrinal articles of the established church, as is required of dissenters in England; it also weakeneth the discipline of the church against the scandalous and profane, by withdrawing the concurrence of the civil magistrate. It is also an inequality

another act for preventing division in the church, respecting the oath of abjuration, which was probably equally ineffective as those that had preceded it. They also appointed a com-

and hardship upon the established church of Scotland, that those of her communion, who are employed in his majesty's service in England or Ireland, should be obliged to join in communion and conformity with the church of England; whereas, conformity to this church is not required (nor do we plead that it should be) of members of the church of England, when called to serve his majesty in Scotland, who here enjoy the full liberty of dissenters without molestation; and the common and equal privileges of the subjects of the united kingdom, stipulated by the Union, claim the same liberty to the members of the church of Scotland, when employed in his majesty's service in England or Ireland. 2do, By the act restoring the power of presentation to patrons, the legally established constitution of this church was altered in a very important point, and while it appears equitable in itself, and agreeable to the liberty of christians and a free people, to have interest in the choice of those to whom they intrust the care of their souls, it is an hardship to be imposed upon in so tender a point; and that frequently by patrons, who have no property nor residence in the parishes; and this, besides the snares of simoniacal pactions, and the many troubles and contests arising from the power of patronages, and the abuses thereof, by disaffected patrons putting their power in other hands, who as effectually serve their purposes; by patrons competing for the right of presentation in the same parish; and by frequently presenting ministers, settled in eminent posts, to mean and small parishes, to elude the planting thereof; by all which, parishes are often kept long vacant, to the great hinderance of the progress of the gospel.

The General Assembly, considering the circumstances of the church of Scotland, with respect to the oath of abjuration, as they are fully represented in the humble addresses of the commission and General Assembly held in anno 1712, copies whereof are herewith transmitted, do humbly and earnestly entreat, that suitable remedies may be thought of.

W. CARSTARES, Moderator.

And the General Assembly recommended to all their members to use their best endeavours with friends at London, that the ends of the addresses of the commission and General Assembly, 1712, and act of the General Assembly the 14th of May that year, concerning the oath of abjuration, may be obtained, and most humbly desired his majesty's high commissioner that he would be pleased to use his good offices for that end.

The General Assembly did appoint this memorial to be put in the hands of their commission, and did enjoin them to use all proper and due means to obtain redress, and particularly at their first meeting, to send the same to the duke of Montrose, principal secretary of state, most humbly entreating his grace to take a fit opportunity to acquaint his majesty thereof.—Acts of General Assembly, 1715.

mittee for the trial of professor Simson, on a charge of error, by the Rev. James Webster of Edinburgh—recommended a collection to be made at all the church doors, for the society for propagating christian knowledge—made “An act against popery and profanity”—“An act discharging prelatical preachers, and some who profess to be presbyterians, and separate from this church, to exercise discipline;” and, “An act for prosecuting some, who, professing to be presbyterians, do separate from this church,” &c. In this act, “the assembly taking into consideration the representations made to them, concerning the irregularities of Mr. John Mackmillan, late minister at Balmaghie, Mr. John Taylor, late minister at Wamphray, both now deposed, Mr. John M’Niel, and Mr. John Adamson, pretended preachers, Mr. John Hepburn, minister at Urr, and Mr. James Gilchrist, minister at Dunscore; they do refer it to their commission, at their first meeting, to take the irregularities of the foresaid persons, under their consideration; and if the said commission think fit, the General Assembly does empower them to summon the said Mr. John Mackmillan, Mr. John Taylor, Mr. John M’Niel, and Mr. John Adamson, before them, and to proceed to further censure, or apply to the civil magistrate against them, as shall be thought most fit; and the assembly instructs their commission, if need be, to apply to the civil government, for suppressing the disorders of the said Mr. John Mackmillan, Mr. John M’Niel, Mr. John Adamson, Mr. John Hepburn, and Mr. James Gilchrist,” &c. &c. We have already spoken of the differences between these venerable fathers of the dissenting churches of Scotland and the assembly. The consequences of this act were, the deposition of Mr. James Gilchrist, by the presbytery of Dumfries, in the same way some of the worthy men with whose names his is here associated had been before him, and the proclaiming some others of them, rebels against his majesty’s government, which was followed with no particular effects, farther than confirming them in that course of opposition they had adopted, and probably strengthening their party, by additional numbers. The same act is concluded with a clause respecting papists and episcopallians, which, if meant as a classification with the foregoing, was a disingenuous

contrivance, worthy of a persecuting church.* The moderator of this assembly, was principal Carstares, and it was the last he lived to see. He was struck with an apoplectic fit, in the month of August, which greatly impaired his faculties, and carried him off on the twenty-eighth day of December, when he had nearly completed his sixty-sixth year.

In Scotland, principal Carstares was certainly the most important man of his day, and of all the characters who figured in that busy period, there is no one, whom it is so difficult to appreciate. He has left no written memorials, whereby we might estimate the extent of his acquirements, or the particular leaning of his opinions; and from the peculiarity of his situation, holding no office of state, but enjoying the particular friendship and confidence of king William, being always about him, and having his ear, either by night or by day,† it is difficult to determine,

* Acts of Assembly, 1715.

† Of that free intercourse Mr. Carstares enjoyed with king William, and the great confidence his majesty reposed in him, we have a remarkable instance recorded in his life, written by Dr. M'Cormick, minister of Prestonpans:—After the Scottish parliament in the year 1693 had passed an act requiring every person in public office to take the oath of allegiance, and sign the assurance, which, by the rotten and bloody remnant, instruments of the former tyranny, who had unfortunately still a share in the government, was immediately improved to ruin the presbyterians, by imposing it on the ministers of the church, as a qualification for their sacred office, which no honest presbyterian they well knew would do. The privy council had the power of dispensing with the oath where they saw reason for so doing; but so far were they from indulging the presbyterian ministers in this way, that they recommended it to his majesty to impose it upon every member before allowing him to take his seat in the assembly, which his majesty, with no little reluctance, had allowed to be indited in the following year. Instructions to this effect were accordingly transmitted to lord Carmichael, the commissioner, to that assembly. When his lordship communicated these orders to some of the clergy, whom he met at Edinburgh, he found them obstinately determined to refuse compliance, and they assured him, that if the measure was persisted in, it would kindle a flame over the nation, which it would not be in the power of those who had given his majesty this pernicious counsel to extinguish. Lord Carmichael was a presbyterian, and of course sincerely attached to his majesty, and aware that the dissolution of this assembly would not only be fatal to the church of Scotland, but to the interests of his majesty in that kingdom, sent a flying packet to the king representing the difficulty of the case, and requesting further instructions. Some of the ministers of the

how far he was, or was not, consulted, with regard to the affairs either of the church or the state—what his advice really was, or how much of it was acted upon. From the almost innumerable letters addressed to him, by the chief actors of all parties, it appears to have been their opinion, that his advice was always asked, and but rarely dissented from. Presbyterians who admit this, will have some difficulty in freeing him from the charge of having made defective, if not false representations of Scottish

church of Scotland, sent up a memorial at the same time to Mr. Carstares, and requesting his good offices on the occasion.

The flying packet arrived at Kensington on a forenoon when Mr. Carstares was not there, and his majesty, who was as fond of stretching prerogative where he could do it safely, as any Stuart who had preceded him, with the advice of the trimming lord Stair and the infamous lord Tarbat, both of whom concurred in representing the obstinacy of the clergy as rebellion against his majesty, renewed his instructions to the commissioner, and sent off the flying packet without a moment's loss of time. Mr. Carstares having arrived at this critical moment, immediately inquired what was the nature of the despatches his majesty had sent off for Scotland, and, on learning their contents, went directly, and in his majesty's name, required the messenger, who was just setting off, to deliver them up to him. It was now late at night, and, as he knew there was no time to be lost, he ran to his majesty's apartment, where he found his majesty was gone to bed. Having informed the lord in waiting that his business was of the last importance, and that he must see the king, he was admitted into his chamber, where he found him fast asleep. Turning aside the curtain, and falling down upon his knees, he gently awoke his majesty, who, astonished to see him at that hour in such a place and such a posture, inquired eagerly what was the matter? I am come, he replied, to ask my life! And is it possible, said the king, that you have been guilty of a crime that deserves death? Mr. Carstares acknowledged he had, and, drawing the packet from his pocket, presented the despatches he had brought back. And have you indeed, said the king, presumed to countermand my orders, at the same time gathering up his brows into a severe frown? Mr. Carstares only begged to be heard for a few moments, when he would be ready to submit to any punishment his majesty should think proper to inflict. His majesty heard him with great attention, and when he had done gave him the despatches to read, and desired him to throw them into the fire. He then bade him draw up instructions to the commissioner in what terms he pleased, and they should be instantly signed. Mr. Carstares then wrote to the commissioner, that it was his majesty's pleasure to dispense with putting the oaths to the ministers; his majesty signed it, and the messenger, with all the haste he could make, arrived in Edinburgh with the joyful tidings, only on the morning of the day in which the assembly was to meet. *Vide* Life of Mr. William Carstares, pp. 57—61.

affairs; and, as an adviser, of having been guided more commonly by the dictates of a crooked and worldly policy, than by plain christian simplicity. That he was presbyterian in his principles there can be no doubt, but there can be as little, that he was one rather of the modern than the ancient school. He appears to have been perplexed with an idea, common to almost all statesmen, that the free and legitimate exercise of ecclesiastic authority, had a natural and necessary tendency, to encroach upon that, which is purely civil, and that there was danger in allowing christians the full enjoyment of that liberty wherewith Christ hath made them free, and hence, probably, arose his system of management in church courts, and his tenderness of what, by an abuse of language, is called the rights of patrons, which has been unhappily imitated and improved upon by every succeeding leader in the Scottish church. He was a sincere friend to learning, and exerted himself successfully, in procuring from queen Anne and her ministry, a very seasonable gift to the Scottish universities, out of the bishops' rents. That portion allotted to the university of Edinburgh, was committed to his distribution, and he expended it—a rare instance of disinterestedness—without retaining one farthing for himself, an example which none of the heads of the other universities chose to follow. He had also formed a plan for accommodating the youth belonging to the dissenters in England, at the college of Edinburgh, which, while it would have been a national benefit, would have greatly promoted the interests of the college. It was intended to raise the necessary means by subscription, and considerable sums were actually subscribed, but the death of the principal, put an end to the project.

As a preacher, he is represented by his biographer Dr. M'Cormick, to have been so popular, that the magistrates of Edinburgh, in order to enjoy the benefit of his talents in that way, erected a new charge for him, which he accepted, after he had been installed into the principalship of the university. That his talents were good we see no ground to question; that there was abundance of room for a new charge in Edinburgh we do not dispute, and that properly qualified persons for the office of the ministry were at that time scarce

is certain ; but we have no doubt, that, like almost every re-duplication of office among churchmen since, the whole was a political job, calculated to ensure the grateful constancy of Mr. Carstares, and to bring him more fully into contact with his brethren, whose zeal he was expected to regulate according to the thermometer of the court, and whose public measures he was now to direct in that limited circle which the state had marked out.

In private life his character appears to have been in the highest degree amiable. He was certainly pious, though—from having breathed so long the atmosphere of a court, and been so long and so deeply involved in matters merely political—in a moderate degree. His humanity was exemplary, and his charity often far beyond what his limited means could justify. That he possessed great firmness of nerve, is evident from the appearance he made in the thumbkins before the Scottish council, in the case of Jerviswood. His temper was at the same time sweet and placid; and, from the manner in which he submitted to the perpetually renewed importunities of the irritable, envious, inconstant, and venal herd of politicians, who at that time were struggling to obtain the rule and the emoluments of their unhappy country, his patience must have been without bounds.*

But, to return to our history, though the good disposition of the Scottish church was greatly against the progress of the Jacobite preparations, they were still carrying them forward with considerable vigour, and sometimes almost openly ; and there was upon their side such an array of papists and high church protestants, that concealment seemed to be no longer thought necessary. Throughout the south of Scotland horses, saddles, shoes, &c. &c. evidently intended for the equipment of cavalry, were purchased at high prices, in great number and in large quantity, while the chieftains in the Highlands were importing arms with so little precaution that three boxes of them fell into the hands of the magistrates of Glasgow, through the vigilance of the lord provost. A quantity of

* State Papers, and Letters addressed to William Carstares, &c. &c.

arms also, about the same time, fell into the hands of Sir Robert Pollock, governor of Inverlochy.

While the Jacobites were thus organizing the enemies of the public peace in Scotland, and the rabble of high churchmen spreading anarchy and confusion over England, their agents were straining every nerve to arouse and to invigorate the enemies of the nation abroad. Their success, however, was not by any means equal to what they had anticipated. The earl of Stair was now ambassador at the court of France, and his great abilities were at this time of singular service to his country. Louis XIV. was now in his dotage, the heir apparent was a minor, and the duke of Orleans the principal object of adulation at the French court. With Orleans, Stair lived in close intimacy, and somehow contrived to find out every movement that was made on the part of James among that people, accounts of which he failed not to transmit to his own government, as well as to remonstrate with theirs against whatever appeared to threaten an infringement of existing treaties.* Nor did all the rioting and plotting at home produce the effects expected from them. Both houses of parliament, far from being intimidated by these ebullitions of popular frenzy, proceeded with their deliberations in the most determinate manner, censuring or impeaching all who had been active in promoting the measures followed in the latter part of the queen's reign. While they were deeply engaged in this business, and had just passed the act which put an end to the system of outrage which had been the disgrace and the plague of the kingdom for such a length of time, on the twentieth of July, his majesty informed both houses of parliament, that he had certain information, that the chevalier, aided and encouraged by a restless faction in this country, was actively employed in preparations for invading it from abroad; "and in these circumstances thinks it proper to ask their assistance, and makes no doubt, but they will so far consult their own security, as not to leave the nation under a rebellion actually begun at home, and

* Smollet's History of England.

threatened by an invasion from abroad, in a defenceless condition.”*

Both houses returned grateful thanks for his majesty's gracious communication, and assured him “that they would with their lives and fortunes stand by, and assist his majesty in defence and support of his sacred person and undoubted right and title to the crown, in defiance of all his open and secret enemies.” At the same time they requested his majesty to issue, immediately, orders for fitting out such a number of ships as might effectually guard the coasts, and commissions for augmenting the land forces to whatever extent might be thought necessary for the general safety; and they assured his majesty, that they would without loss of time make ample provision for the maintenance of these forces both by land and sea.

A bill was the day following introduced into the house of commons, suspending the *habeas corpus* act in England, and an act of the Scotch parliament, 1701, entitled An act for preventing wrongous imprisonment, and against undue delays in trials, in as far as regarded treason, or suspicion of treason, till the twenty-fourth of January next. The same act empowered any lieutenant, or deputy lieutenant, or other magistrate, to seize upon all horses of five pounds value and upwards, found in the possession of persons whom they might judge dangerous to the peace of the kingdom, and to detain them for the space of six weeks. This bill was read twice the day it was introduced, a third time on the morrow, sent to the lords and passed there, and on the following day became a law, by having received the royal assent.†

A bill was at the same time brought into the house for encouraging loyalty in Scotland, but it did not become a law till the end of August, when the rebellion in that kingdom had been actually organized under the earl of Marr. This bill also contained a clause authorizing the calling in suspected persons, to appear at Edinburgh, or wherever it might be thought expedient, and, compelling them to find security for their good behaviour. The following are specimens of the enactments of

* Rae's History of the Rebellion, p 169.

† Ibid. p. 170.

this bill :—“ If any of his majesty’s subjects of Great Britain, having lands or tenements in Scotland, in property or superiority, has been or shall be guilty of high treason, by keeping correspondence with the pretender, in person, or by letters, messages, or otherwise, or with any person, or persons they know to be employed by him; or by adhering to or giving him any aid or comfort, in this realm or elsewhere, every such offender, who shall be thereof duly convict and attainted, shall be liable to the pains, penalties, and forfeitures, for high treason. And that all and every vassal or vassals in Scotland, who shall continue peaceable, and in dutiful allegiance to his majesty, his heirs and successors, holding lands or tenements of any such offender, who holds such lands or tenements immediately of the crown, shall be invested and seized, and are thereby enacted and ordained to hold the said lands or tenements of his majesty, his heirs and successors, in fee and heritage for ever, by such manner of holding as any such offender held such lands or tenements of the crown, at the time of the attainder of such offender. And that if any of these lands lye within any regality or constabulary in Scotland, they are thereby dissolved therefrom.

“ And in like manner, all and every tenant, or tenants in Scotland, who shall continue peaceable, and in dutiful allegiance to his majesty, his heirs and successors aforesaid, bruiking and occupying any lands, mills, mines, woods, fishings, or tenements, as tenant or tenants, tacksman or tacksmen, from and under any such offender, shall, and are thereby ordained, to bruik and occupy all and every such lands, mines, mills, woods, fishings, and tenements, for the space of two years’ crops, to be accounted from and after such attainder, freely, without payment of any rent, duty, or service, for the said two years or crops, &c. &c.

“ And whereas there is reason to believe, that several persons, intending to commit high treason, or treasons, as aforesaid, have made tailzies, entails, and settlements of their estates, in favours of their children, or other heirs of tailzie, on conveyances, securities, or alienations, with a fraudulent intent to avoid the punishment of the law, due to the offences above mentioned: it is, therefore, enacted, that all tailzies, entails,

settlements, and conveyances, in favour of the granter's children, or other heirs of tailzie, or trust, securities, or alienations of any estates or inheritances made in Scotland, in the name of whatsoever person, or persons, since the first day of August, 1714, or that shall be made there in any time coming, by any person, or persons, who shall be convicted and attainted of any such high treason, or treasons aforesaid, shall be, and they are hereby declared void and null to all intents and purposes; excepting such deeds, securities, and alienations, as have been made since the time aforesaid, or shall be made in time coming, for just and onerous causes, the said onerous cause being always otherwise instructed than by the writings themselves."* This bill was very beneficial, not only for the government, but for many individuals, who, being taken up under its authority, saved not only their estates, but their lives, as we shall see in the sequel.

On the twenty-second of July, the fleet was ordered to rendezvous in the Downs, under Sir George Byng. General Earl, governor of Portsmouth, had a re-enforcement of two battalions sent him at the same time, a report having reached government of a design to surprise that important station. The household troops, three regiments of foot guards, and four troops of horse guards, were encamped in Hyde Park, under the directions of general Cadogan, the militia of Westminster ordered out, and the trainbands mustered, for the purpose of suppressing the riots, which had become so general and so alarming, and to take an account of all papists, reputed papists, and nonjurors, together with such strangers as could not give a satisfying account of themselves.

Fourteen officers of the guards, suspected of being in the interest of the pretender, were at this time dismissed, and their places filled up by others of more loyal character. Commissions were also issued, in compliance with addresses from both houses of parliament, for raising eight regiments of foot, and thirteen of dragoons, all of which, were levied almost upon the instant. A sum of money suitable for the maintenance of the whole, was granted by the parliament for one

* *Rae's History of the Rebellion*, pp. 208—210.

year, and for adding two companies to the Coldstream regiment of foot guards. All officers of the army, governors of forts, garrisons, &c. &c. were, under pain of his majesty's highest displeasure, ordered to their respective posts, and all officers on half pay were, at the request of the house of commons, placed upon full pay, and at the immediate disposal of his majesty.

On the twenty-ninth of July, all papists were ordered to remove from the cities of London and Westminster, and from every place within ten miles of either, by the eighth day of August. Papists and nonjurors were also ordered everywhere to be disarmed, and their horses above five pounds value taken from them and sold. The papists were also to be compelled to take the declaration against transubstantiation, and the nonjurors the oath of abjuration.

A bill was also passed for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; enabling his majesty to grant a commission to administer the oaths of allegiance, supremacy, and abjuration to all officers, seamen, and soldiers, and providing that the sum of one hundred thousand pounds should be given "to any person or persons, natives or foreigners, who should seize or secure, alive or dead, the person of the pretender, whenever he shall land or attempt to land in Great Britain or Ireland, or any other his majesty's dominions."*

Besides all these precautions and preparations at home, his majesty was careful to secure the friendly co-operation of his allies abroad. On the first alarm of invasion, notice was given to the states general, and a formal demand made of the six thousand troops stipulated in the late treaty for the preservation and security of the protestant succession, together with a squadron of ships of war, should there be occasion for them, all which was cheerfully acceded to on the part of the Dutch government. Count Coningseck, whom the emperor of Germany had sent over to adjust some differences that had arisen

* Ræ's History of the Rebellion, p. 171.

regarding the barrier treaty, also made offer, in name of his master, of a detachment of imperial troops to aid in the defence of the kingdom; but the danger was not thought so pressing as to demand such a measure, and the offer was politely declined. Two British regiments, however, which had been left by the duke of Ormond at the conclusion of the peace, and were now in garrison at Newport, were recalled, and their places supplied by an equal number of imperialists.*

We have already noticed the preparations in Scotland on the part of the Jacobites, nor were the friends of liberty and religion there deficient, either in zeal or in promptitude of action for their own safety, and the preservation of the established order of things. No sooner did the information of the intended invasion reach Edinburgh, than the few regular troops there went into camp. The trainbands were ordered to arms, and the city guard re-enforced. It was also resolved to levy four hundred men, to be maintained by the citizens, and commanded by officers appointed by the lord provost and magistrates, by whose orders their operations were to be directed. Two extensive associations were formed at the same time, whose patriotic and spirited procedure roused the energies of the well-disposed every where, and had the happiest effect in directing and sustaining public feeling. The original constitution of both these associations was nearly the same, only the members of the one, subscribed a sum of money over against his name, which the other did not; and both, for the satisfaction of one another, signed the following bond, before being admitted to the places agreed upon for learning the military evolutions:—"We, the subscribers, do hereby mutually promise and engage ourselves to stand by and assist one another to the utmost of our power, in the support and defence of his majesty king George, our only rightful sovereign, and of the protestant succession, now happily established, against the pretender, and all open and secret enemies; for the preservation and security of our holy religion, civil liberties, and most excellent constitution, both in church and state." Some time after, when their number was considerably increased, they divided themselves into companies,

* Complete History of the late Rebellion, p. 6.

toleration, the patronage, and the schism bills, with the yearly pensions bestowed upon the Jacobite clans, had entered into a correspondence with the well-affected in all parts of the kingdom, in concert with whom, about the end of queen Anne's reign, they had made a liberal provision of ammunition and arms, in view of the dismal catastrophe which the gloomy aspect of affairs then threatened. The inhabitants, seconding the views of the magistracy, were also brought to such perfection in the use of arms, that they were little, if at all inferior to the regular troops, and thus were in perfect readiness for any emergency. This city was among the first in Scotland to proclaim the elector of Brunswick Lunenburg king of these realms, and, of course, the citizens were obnoxious to the partisans of James, to many of whom their growing wealth was likely also to be a considerable temptation. They, therefore, prudently resolved, on hearing of the pretender's motions, to put themselves in arms, that they might be in a condition both to defend themselves from the cupidity of the clans, and to assist the government.

This conduct on the part of Glasgow gave the alarm to the whole west of Scotland, which instantly began to copy after her example. In the strife of loyalty and patriotic feeling, which the whole of the west country exhibited, it would be unjust not to mention, that Kilmarnock was remarkably distinguished. Its inhabitants, like the citizens of Glasgow, had early taken the alarm, and, upon the death of the queen, immediately began to exercise themselves to the use of arms. This zeal was greatly excited and advanced by the direction and example of their superior, lord Kilmarnock, who was a firm promoter of the Union, and a zealous supporter of the protestant succession. So actively, indeed, did that whole district exert themselves, that, upon a very short warning, on the twenty-second of August, the bailiary of Cuninghame alone, mustered on Irvine Moor, a force amounting to six thousand men, at the head of five hundred of the best appointed and best trained of

his protestant issue to latest posterity. And to conclude, *let us be of good courage and play the men for our people, and the cities of our God, and the Lord do that which seemeth him good.*" Rae's History of the Rebellion, pp. 177—179.

which, appeared lord Kilmarnock, and his son, lord Boyd, then an object of deep interest, being the heir of the family, and only eleven years of age.* Had there been present any gifted seer, who, through the folds of time, could have descried the red field of Culloden, what would have been his emotions!

The people of Greenock, under the influence of lady Shaw Stuart, in the absence of Sir John, who was abroad at the time, and the assiduity of the Rev. Mr. Turner, the minister of the parish, behaved in the most praiseworthy manner, being able, by the middle of August, to muster two hundred and sixty men, well armed, trained, and divided into six companies.

In Clydesdale, his grace the duke of Douglas, of his vassals and tenants, raised to the number of three hundred men, for the service of the government. Nor were the other gentlemen in that neighbourhood negligent of their duty. Her grace the dutchess of Hamilton, captain Daniel Weir of Stonebyres, the laird of Corehouse, James Carmichael of Bonnyton, the laird of Lee, Mr. Alexander Menzies of Culterallers, &c. &c., had all their vassals and tenants trained and mustered, in defence of his majesty's person and government, by the beginning of September.

In Nithsdale and Galloway, though there were many papists and Jacobites, the zeal of the great body of the people was most conspicuous. In Dumfries, seven companies, of sixty effective men each, were raised among the inhabitants, and for fear of being surprised by the factious and disloyal, who, they knew, were in great numbers on every side of them, a strong guard was constantly kept. The lord provost was commander of the companies of volunteers, and they were trained so as to have reached the highest degree of military discipline. Nor was the example of the burgh lost upon the surrounding country. The inhabitants, every where witnessing the consultations of the Jacobites, and being informed of the movements of the Highlanders, made the most diligent preparations for counter-acting their designs. The exercise of arms was general and incessant, and they kept guards at all the most considerable

* Douglas' Peerage.

places on the roads, to take notice of strangers, intercept letters, and cut off the communication of the Jacobites with one another. A Jacobite gentleman, Bell of Minsca, having taken it upon him to insult a party of these guards at Penpont, was shot by one of the centinels through the leg, which is said by Rae to have been the first blood drawn in that rebellion.

We may notice here that the clergy of the Scottish church were every where active, awakening the spirit, and directing the movements of their parishioners; many of them took arms themselves, and set bright examples of true patriotism, as well as of religion, while the episcopal clergy, for whom such a bustle had been kept up for many of the bypast years, and for whom the feelings of the presbyterians had been so deeply wounded, were, to a man, rebels, and exerted themselves, to spread the flame of rebellion, with a zeal worthy of a better cause. The presbyterian dissenters, on the contrary, who had been persecuted and reviled by their brethren, even more than the episcopalians, took arms for the defence of their country's liberties. Mr. John Hepburn kept the field, with three hundred of his people, all the time the rebellion raged in the south, and in activity and watchfulness seems to have been behind none of the other leaders of the people at that time. Mr. Stuart of Torence he apprehended returning from a visit to a part of the rebel army, and sent him in prisoner to Dumfries, whither he himself, with his party, hastened when he had reason to think it had been invested by the enemy; but finding the place still safe, he encamped without the town, which, in present circumstances, he refused to enter, without explanations, which the magistrates and ministers of Dumfries either would not, or could not make.* It was evident, however, that he and his people, were determined to have acted vigorously against the pretender in case of extremity; but from the unhappy divisions subsisting between them and their brethren, respecting the revolution, and the Union settlements, they probably thought that extremity alone could justify their interference.

As Kircudbright was one of the stations pointed out by the

* Rae's History of the Rebellion, pp. 256, 276.

Jacobites as a fit place for the chevalier to land with his foreign auxiliaries, Galloway was an object of particular attention with both parties, and major James Aikman was despatched from Edinburgh, about the end of July, to oversee the preparations there going on, and to advise with the inhabitants upon the measures that might be found necessary upon the approach of an enemy. Major Aikman accordingly reviewed the fencible men in the upper ward of Nithsdale, on Marjory Muir, in the beginning of August, and afterwards held a meeting with the principal inhabitants of the district at Closeburn. He was accompanied by Sir Thomas Kirkpatrick of Closeburn, Gordon of Earliston, Mr. James Nimmo from Edinburgh, Mr. John Pollock, minister of Glencairn, &c. &c., when it was unanimously agreed:—"First, that each parish be modelled into companies, and proper officers chosen to that effect. Secondly, That each parish exercise twice or thrice in the week. Thirdly, That upon the first advice of the pretender's landing, each parish should meet by themselves, in some convenient place appointed for that effect, there to concert what is proper to be done, either with their horse or foot; and it was earnestly desired, that they should bring their best arms and ammunition along with them to that place. Fourthly, That upon the first notice of the pretender's arrival at Lochryan, Kirkcudbright upon the borders, or in the Frith of Leith, in case he should land there, Sanquhar should be the place of rendezvous for the western shires. Fifthly, that upon the enemy's landing in any of these places, all the horses and cattle should be driven from the coasts into the country, and that a body of horsemen wait on, to hinder their plundering the country and seizing of horses, if possible. Sixthly, That there be a party of light horse or foot in each parish, to join with such in neighbouring parishes, to hinder the Jacobites in the country from joining with the French, to interrupt their communications, and to harass their parties; and in order to this, that all roads leading to the enemy should be stopped, and persons travelling towards them in arms secured. Seventhly, That all boats upon the western coast be secured, to prevent the Jacobites from going to the French fleet upon their first appearance, their carrying provisions to them, or assisting them in their landing. And

Lastly, That our friends in every particular district, fall upon ways and means to make the above said particulars effectual.”*

Kelso, and the neighbouring country, exhibited the same spirit of loyalty and affection to the government, and encouraged by their minister, Mr. Ramsay, Sir William Bennet of Grubbet, and Sir John Pringle of Stichel, the inhabitants subscribed an association, “Binding and obliging themselves, by the blessing of God, to assist and stand by one another, in defence of their lawful sovereign king George, the succession of the crown, happily established by law, and the protestant religion, in opposition to a popish pretender, and all his abettors;” and were formed into regular companies, trained and armed for their own and their country’s defence. The same spirit, indeed, pervaded the whole country except where the clergy were episcopal, and the principal heritors Jacobites, and even where this was manifestly the case, the people in general seemed to have nothing so much at heart as the security of their religion and liberties from the dangers with which they were now so evidently threatened.

Many individuals in different places of the nation also, whom it would be tedious to particularize, eminently distinguished themselves on this occasion, but none more than the earl of Glasgow, who, living in the vicinity of the Highlands, and aware of the clans being, for the most part, in the interest of the chevalier, as well as of the paucity of regular troops in the kingdom, made offer to his majesty, to raise, and maintain at his own proper charge, one thousand men, for which he had the thanks of his majesty, with an assurance, that for an offer so generous, and so seasonable, he would not fail to be rewarded with marks of especial favour.†

While these preparations were going thus rapidly forward at home, the chevalier and his friends were equally busy abroad; and they flattered themselves with being able to make an attempt in a short time that would be irresistible. In France, Germany, Switzerland, and among the states of Italy, vast sums were collected for his service, under the immediate

* Rae’s *History of the Rebellion*, p. 185.

† Douglas’ *Peerage*, by Wood, vol. i. p. 629.

influence of the see of Rome, among the devotees to which, the design must have been regarded as peculiarly holy, being calculated at once to revive, in some degree, the long eclipsed splendour of the pontiff, preserve a royal dynasty from final degradation and disgrace, and to be the salvation of three kingdoms. Some estimate may be made of the sums collected, by the complaints of the agents of the chevalier at St. Germain, upon the failure of the design, "that the partisans of the cause in Scotland had spent twelve millions upon the business, and had accomplished nothing but the ruin of their friends."*

Of the money thus collected, an hundred thousand pounds sterling was said to have been transmitted to the earl of Marr, with letters and instructions, under the chevalier's own hand, and a commission appointing him lieutenant-general, and commander-in-chief of all his forces, as he called them, in Scotland, which induced that nobleman to throw off the mask of loyalty to king George, which he had, ever since that monarch's accession to the throne, worn rather ostentatiously, but which had failed to produce those honourable marks of distinction which his lordship so ardently desired. His offers of service and duty he had the mortification to find neglected, and the address from the Jacobite chiefs, which was intended to set him high in his majesty's favour, he dared not to present, being told that his majesty had certain information that it was prepared at St. Germain.† His majesty, indeed, was too well informed, and had too deep a feeling upon the subject of the plots carried on in the last years of queen Anne, to look with complacency upon the earl of Marr; and the course of inquiry which the parliament was so eagerly pursuing, was calculated to awaken fear in every bosom that was in any degree tainted with guilt; besides, the suspension of the *habeas corpus*, and the vigorous measures which the government was adopting, probably gave him ground to apprehend immediate imprisonment, which would have blasted for ever those high hopes which he had all along too fondly cherished.

* *Annals of George I.*, vol. vi. p. 118.

† *Douglas' Peerage of Scotland*, by Wood, vol. ii. p. 218.

To avoid a danger so imminent, and a catastrophe in his estimation so fatal, his lordship plunged at once into the vortex of rebellion, by which he brought a great calamity upon his bleeding country, and involved himself and his family in ruin.

After having been at court in the morning, August the eighth, he embarked aboard a collier at Gravesend, in company with a general Hamilton and a major Hay, and two servants, all in disguise, and on the second or third day after, landed at Newcastle, where they hired a vessel belonging to one Spence, which set them ashore at Ely in Fife. Here they were joined by Alexander Areskine, lord Lyon king at arms, and other of their friends, with whom they proceeded on their way to Kinnoul on the seventeenth. On the eighteenth they crossed the Tay a little below Perth, with about fifty horse. Next day letters were written to all the Jacobites in that country, inviting them to meet the earl of Marr without delay at Braemar, Aberdeenshire, where he arrived about the twentieth of August.

Though the flight of the earl of Marr was thus precipitate, there is every reason to suppose it was not unpremeditated. His friends in Scotland must have been apprized of it beforehand, for early in August captain John Dalzell, a half-pay officer, who, in view of this rebellion, had previously thrown up his commission to the earl of Orkney, was sent to give the alarm to his brother, the earl of Carnwath, then at Elliock. From Elliock despatches were sent express to the earl of Nithsdale, viscount Kenmure, and others of their friends in the south. The earl of Nithsdale came the same day to consult with them, and, after some time spent in preparing others to embark with them in their unhappy project, they repaired secretly to their stations, and it was given out that they were gone to a hunting in the north.*

We have already seen that hunting and horse racing were frequently used as pretences for assembling the Jacobites in great numbers, and the same expedient was again, on this

* Rae's History of the Rebellion, p. 188. Douglas' Peerage of Scotland, by Wood, vol. i. p. 218.



JOHN ERSKINE,

EARL OF MARR.

Engraved by W. P. Bayne.

FROM A PAINTING BY KNEELER

occasion, resorted to. It was but a few days that the earl of Marr had been at Braemar, when, under the pretext of a great hunting match, he was waited upon by a vast number of gentlemen of quality and interest,* among whom were the marquises of Huntly and Tullibardine; the earls of Nithsdale, Marischal, Traquair, Errol, Southesk, Carnwath, Seaforth, Linlithgow, and others; the viscounts of Kilsyth, Kenmure, Kingston, and Stormont; the lords Rollo, Duffus, Drummond, Strathallan, Ogilvy, and Nairne; a number of gentlemen from the Highlands, Glendaruel, Auldbair, Auchterhouse, Glengary, and the two generals, Hamilton and Gordon, whom, having thus convened, he addressed, in a speech full of insinuations against the protestant succession in general, and against king George in particular; declaring, with a great deal of seeming sorrow, That though he had been instrumental in forwarding the Union in the reign of queen Anne, yet now his eyes were opened, and he would spend his best blood to rid them of that treaty, which he dignified with the epithet

* Hunting, it may be observed, under the feudal system, had much of a military character, and was very often made a pretext for the superior calling out his vassals when he had a very different object in view. Hence, in the act for abolishing ward or military tenures in Scotland, it is enumerated among those services that could no longer be legally required. It was indeed, no uncommon thing for the whole military array of the country to be called out, under the pretence of hunting. Thus we are told by Pitscottie, that, in the year 1528, James V. "made proclamation to all lords, barons, gentlemen, landwardmen, and freeholders, that they should compear at Edinburgh, with a moneth victuals, to pass with the king, where he pleased to danton the thieves of Teviotdale, Annandale, Liddisdale, and other parts of that country; and also warned all gentlemen that had good dogs, to bring them, that he might hunt in the said country as he pleased: the whilk the earl of Argyle, the earl of Huntly, the earl of Athol, and so all the rest of the gentlemen of the Highland did, and brought their hounds with them, in like manner, to hunt with the king as he pleased.

"The second day of June, the king passed out of Edinburgh to the hunting, with many of the nobles and gentlemen of Scotland with him, to the number of twelve thousand men, and these past to Meggithland, and hounded and hawked all the country and bounds, that is to say, Craamat, Pappertlaw, St. Marylaw, Carlavirick, Chapel, Ewindoores, and Longhope. I heard say, he slew in these bounds, eighteen score of harts." Pitscottie's History of Scotland p. 143.

cursed, and to render them again a free people. He then enlarged upon the misfortunes that, as a nation, they laboured under; governed by a foreigner, a stranger to the constitution, who gave himself up into the hands of a set of courtiers, who had nothing in view but to strengthen and continue our slavery under a foreign yoke, without any regard to the interest of the people, upon whose civil and religious liberties they were daily making new encroachments.

Thousands, he assured them, were now in league with him to redress their grievances, and restore their lawful king, James VIII., to the throne of his ancestors, by whom alone all their grievances could be truly and completely removed, and from whom he showed letters, written from Lorrain, promising to come over in person and put himself on the valour of his Scottish subjects; and, in the meantime, assuring them that they should have ships, arms, ammunition, and other military stores, with officers and engineers, so soon as it was settled where they should be landed.

The powerful assistance of Louis, the French king, from whom my lord Bolingbroke and the duke of Ormond were just now demanding the necessary supplies, was another topic upon which he largely descanted. England, he affirmed, was to be invaded by a powerful army, under the command of the duke of Berwick, in consequence of which, and the general insurrection that was to be made, it would be impossible for the government to send any troops to Scotland, so that what they aimed at would be easily attained. Money too, he certified them, he was abundantly provided with for discharging the expense of the expedition; and such supplies as were needful for levying men, paying troops, &c. he hoped regularly to receive, so that no gentleman needed to be under any apprehension, with regard to the subsisting of his men, for that they and the country should be free from all burdens of that kind.

He lastly showed them what he said was his commission as lieutenant-general from king James, who had intrusted him with the sole direction of this important affair. In obedience to this commission, he informed them, that he was soon to

unfurl the royal standard, which, he trusted, would be joyfully attended by all the fencible men in the kingdom.*

When we advert to the high rank, and great antiquity of the family of Marr, the talents which the earl himself possessed, and the station which he had occupied under the late administration, together with the intelligence, the habits, and the prospects of those who were at this time his auditors, we cannot wonder that his speech, though it had been much less eloquent than it really was, proved irresistible. Delighted to think that the destinies of their king, as they called him, and of the kingdom was in their hands, the meanest among them fancied he had a fair chance for, and a just title to at least the second place before the throne, the foundations of which were to be settled by his wise determinations, and its brightest ornaments wrought out by his individual exertions.

The project was received by all with characteristic enthusiasm. But the better, however, to ensure success, each returned for a few days to his estates, to bring over his friends, and draw together his dependants. They were again summoned, on the third of September, to Aboyne, in Aberdeenshire, when, having given directions for the chieftains to draw together their forces without loss of time, Marr returned to Braemar, and, on the sixth of September, 1715, set up there the standard of the chevalier,† declaring him king of Great Britain, France, and Ireland, &c. &c. The same proclamation was made at Kirkmichael on the ninth, and the people summoned to attend his standard, for as yet they did not ex-

* Annals of George I. vol. ii. p. 26. Rae's History of the Rebellion, pp. 189, 190. Patten's History of the Rebellion, pp. 151, 153.

† This standard, supposed to be made by the earl's lady, was very elegant. The colour was blue, having on one side the Scottish arms wrought in gold, and on the other side the Scottish thistle, with these words underneath, "No Union," and on the top the ancient motto, "*Nemo me impune lacessit*." It had pendants of white ribband, one of which had these words written upon it, "For our wronged king and oppressed country;" the other had, "For our lives and liberties." It is reported by Rae that when this standard was first erected, the ornamental ball upon the top fell off, which depressed the spirits of the superstitious Highlanders, who deemed it ominous of misfortune in the cause for which they were now appearing. History of the Rebellion, p. 191.

ceed sixty men, though they have by some been said to be two thousand. From Kirkmichael Marr proceeded to Moulin, a small town in Perthshire. From Moulin he went to Logierait, where his followers were swelled into one thousand men, and by the time he entered Dunkeld to double that number. At the two former of these places the same ceremonial was observed, and James VIII. proclaimed with ludicrous solemnity; he had been by the marquis of Tullibardine proclaimed at Dunkeld previous to Marr's arrival. At Perth he was proclaimed by colonel Balfour and colonel John Hay, brother to the earl of Kinnoul, who with two hundred horse took possession of the town for the earl of Marr. In this enterprise they were powerfully assisted by one hundred and fifty men, introduced into the town by the duke of Athol, under the pretence of being auxiliaries to assist the inhabitants to defend it against the rebels. No sooner, however, did the rebels make their appearance than these Athol men joined them, in consequence of which the town was an easy conquest, though the earl of Rothes with five hundred men was just at hand, intending to take possession of it for the government.*

James was, in the meantime, proclaimed at Aberdeen, by the earl Marischal, at castle Gordon, by the marquis of Huntly, at Brechin, by the earl of Panmure, at Montrose, by the earl of Southesk, at Dundee, by Graham of Duntroon, who had been by the pretender created viscount of Dundee, and, at Inverness, by brigadier M^cIntosh, at the head of five hundred men, who, finding that important pass without a garrison, took possession of it in name of the pretender, and leaving it to the care of Mackenzie of Coul, repaired to the rebel army.

While Marr was thus diligent for the pretender in the north, he had laid a plot for serving himself more effectually in the south, by securing the castle of Edinburgh, which would at once have given him the command of the kingdom of Scotland. To accomplish this most important purpose, ninety choice men were selected, all gentlemen, under the lord Drummond, who

* Rae's History of the Rebellion, p. 191. Patten's History of the Rebellion, p. 5. Campbell's Life of John, Duke of Argyle, p. 147.

was the prime agent in the affair, and was, if he succeeded, to be made governor of the castle; each of his associates was to have the reward of one hundred guineas, with a commission in the army. They soon succeeded in corrupting one Ainsley, a sergeant in the castle, with the promise of a lieutenantcy, a corporal, with the promise of an ensigncy, and two soldiers, the one with eight, and the other with four guineas. They then provided a scaling ladder made of ropes, and so constructed as that two or three persons could ascend abreast. This, the traitors within the castle, were to fasten at the top, and, by means of pulleys, assist in drawing up the conspirators without. They succeeded so far as to have the ladder fixed, and several of the party were upon it, when an officer, who had received intelligence of the plot, walking his rounds, observed the ladder, cut the ropes, and let it fall, by which those who were upon it were precipitated to the bottom of the rock and severely bruised. The centinel fired at the same time, and the party instantly dispersed. A party of the town guard which had been sent to patrol round the castle, found one captain M'Lean, who had been an officer at Killicranky, severely bruised, whom, with Mr. Lesly, Mr. Ramsay, and Mr. Boswell, they secured. The two last were writers, and the first had formerly been a page to the dutchess of Gordon. They likewise found the ladder, and one dozen of firelocks, which, in haste to escape, the conspirators had thrown away. Ainsley, the sergeant, who had engaged to betray the fortress, was hanged, and lieutenant colonel David Stuart, the governor, was dis-posted for negligence.*

Before leaving Aboyne, where it was determined to rise immediately in arms, the earl of Marr issued the following declaration, which he enclosed in a letter to his baillie of Kildrummy:†—"Our rightful and natural king, James the

* Campbell's *Life of John, Duke of Argyle*, pp. 154, 155. Patten's *History of the Rebellion*, pp. 158, 159.

† The following is the letter in which this declaration was enclosed to his baillie, and it is abundantly characteristic:—"Jocke, ye was right not to come with the 100 men ye sent up to-night, when I expected four times the number. It is a pretty thing when all the Highlands of Scotland are now rising upon their king and country's account, as I have accounts from them since they were with me, and the gentlemen of our neighbouring Lowlands

eighth, by the grace of God, who is now coming to relieve us from our oppression, having been pleased to intrust us with the direction of his affairs, and the command of his forces in this his ancient kingdom of Scotland, and some of his faithful subjects and servants met at Aboyne, viz. the lord Huntly, the lord Tullibardine, the earl Marischal, the earl Southesk, Glengary from the clans, Glendaruel, from the earl of Breadalbine and gentlemen of Argyleshire, Mr. Patrick Lyon of Auchterhouse, the laird of Auldbair, lieutenant general George Hamilton, major general Gordon, and myself, having taken into consideration his majesty's last and late order to us, find, that as this is now the time that he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should, with all possible speed, put themselves into arms. These are, therefore, in his majesty's name and authority, and by virtue of the power aforesaid, and

expecting us down to join them, that my men should be only refractory. Is not this the thing we are now about, which they have been wishing these twenty-six years? And now, when it is come, and the king and country's cause at stake, will they for ever sit still and see all perish?

I have used gentle means too long, and so I shall be forced to put other orders I have in execution; I have sent you enclosed, an order for the lordship of Kildrummy, which you are immediately to intimate to all my vassals; if they give ready obedience, it will make some amends: and if not, ye may tell them from me, that it will not be in my power to save them (were I willing) from being treated as enemies, by those who are ready soon to join me, and they may depend on it, that I will be the first to propose and order their being so. Particularly, let my own tenants in Kildrummy know, that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them. And they may believe this not only a threat, but by all that's sacred I'll put it in execution, let my loss be what it will, that it may be example to others. You are to tell the gentlemen that I'll expect them in their best accoutrements, on horseback, and no excuse to be accepted of. Go about this with all diligence, and come yourself, and let me know your having done so. All this is not only as you will be answerable to me, but to your king and country.

Your assured friend and servant,
MAR."

Sic subscribitur.
To John Forbes of Inchrerau,
Bailly of Kildrummy.

by the king's special order to me thereunto, to require and empower you forthwith to raise your fencible men, with their best arms; and you are immediately to march them to join me and some other of the king's forces at the Invor of Braemar, on Monday next, in order to proceed in our march to attend the king's standard with his other forces. The king, intending that his forces shall be paid from the time of their first setting out, he expects, as he positively orders, that they behave themselves civilly, and commit no plundering, or other disorders, upon the highest penalties and his displeasure, which is expected you'll see observed.

"Now is the time for all good men to show their zeal for his majesty's service, whose cause is so deeply concerned, and the relief of our country from oppression and a foreign yoke, too heavy for us and our posterity to bear; and to endeavour the restoring not only of our rightful and native king, but also our country to its ancient, free, and independent constitution, under him whose ancestors have reigned over us so many generations.

"In so honourable, good, and just a cause, we cannot doubt of the assistance, direction, and blessing of Almighty God, who has so often rescued the royal family of Stuart, and our country from sinking under oppression.

"Your punctual observance of these orders is expected, for the doing of all which, this shall be to you, and all you employ in the execution of them sufficient warrant. Given at Braemar, the ninth of September, 1715."

This, with its envelope to John Forbes of Invercauld, was probably thought sufficient for calling forth the energies of the district of Kildrummy; but for the country at large, something more soothing and more specious was deemed necessary, and, in a few days, the party issued a most flaming manifesto, embodying, in a very narrow compass, the whole slang and sophistry belonging to the faction. They had it printed at Edinburgh, and, "by Mr. Robert Freebairn, one of the king's printers there," the tenor whereof follows:—"His majesty's right of blood to the crown of these realms is undoubted, and has never been disputed or arraigned, by the least circumstance of a lawful authority.

"By the laws of God, by the ancient constitution, and by

the positive unrepealed laws of the land, we are bound to pay his majesty the duty of loyal subjects; nothing can absolve us from this our duty of subjection and obedience, the laws of God require our allegiance to our rightful king; the laws of the land secure our religion and other interests; and his majesty giving up himself to his protestant subjects, puts the means of securing to us our concerns, religious and civil, in our own hands.

“ Our fundamental constitution has been entirely altered, and sunk amidst the various shocks of unstable faction; while, in the searching out new expedients pretended for our security, it has produced nothing but daily disappointment, and has brought us and our posterity under a precarious dependance upon foreign councils and interests, and the power of foreign troops.

“ The late unhappy Union, which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from healing and lessening the differences betwixt his majesty's subjects of Scotland and England, that it has widened and increased them; and it appears, by experience, so inconsistent with the rights, privileges, and interests of us and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us, and hurt them; nor can any way be found out to relieve us, and restore our antient and independent constitution, but by restoring our rightful and natural king, who has the only undoubted right to reign over us; neither can we hope, that the party who chiefly contributed to bring us into bondage, will, at any time, endeavour to work our relief; since 'tis known how strenuously they opposed, in two late instances, the efforts that were made by all Scotchmen, by themselves, and supported by the best and wisest of the English, towards so desirable an end, as they did not adventure openly to disown the dissolution of the Union to be.

“ Our substance has been wasted in the late ruinous wars, and we see an unavoidable prospect of having wars continued upon us and our posterity so long as the possession of the crown is not in the right line.

“ The hereditary rights of the subjects, though confirmed

by conventions and parliaments, are now treated as of no value or force; and past services to the crown and royal family, are now looked upon as grounds of suspicion.

“ A packed up assembly, who call themselves a British parliament, have, as far as in them lies, inhumanly murdered their own and our sovereign, by promising a sum of money as the reward of so execrable a crime.

“ They have proscribed, by unaccountable and groundless impeachments and attainders, the worthy patriots of England, for their honourable and successful endeavours to restore trade, plenty and peace to these nations.

“ They have broken in upon the sacred laws of both countries, by which the liberty of our persons was secured. They have impowered a foreign prince, who, notwithstanding of his expectations of the crown for fifteen years, is still unacquainted with our manners, customs, and language, to make an absolute conquest (if not timely prevented) of the three kingdoms, by vesting himself with an unlimited power, not only of raising unnecessary forces at home, but also of calling in foreign troops ready to promote his uncontrollable designs. Nor can we be ever hopeful of its being otherwise, in the way it is at present, for some generations to come. And the sad consequence of these unexampled proceedings, have really been so fatal to great numbers of our kinsmen, friends, and fellow-subjects of both kingdoms, that they have been constrained to abandon their country, houses, wives, and children, or give themselves up prisoners, or perhaps victims, to be sacrificed at the pleasure of foreigners, and a few hot-headed men of a restless faction whom they employ.

“ Our troops abroad, notwithstanding of their long and remarkably good services, have been treated, since the peace, with neglect and contempt, and particularly in Holland; and 'tis not now the officer's long service, merit, and blood they have lost, but money and favours, by which they obtain justice in their preferments, so that 'tis evident, the safety of his majesty's person, and independency of his kingdoms, call loudly for immediate relief and defence.

“ The consideration of these unhappy circumstances, with the due regard we have to common justice, the peace and quiet

of us and our posterity, and our duty to his majesty and his commands, are the powerful motives which have engaged us in our present undertaking, which we are firmly and heartily resolved to push to the utmost, and stand by one another to the last extremity, as the only solid and effectual means, to put an end to so dreadful a prospect, as by our present situation, we have before our eyes; and with faithful hearts, true to our only rightful king, our country, and our neighbours, we earnestly beseech and expect, [as his majesty commands,] the assistance of all our fellow-subjects, to second this our first attempt; declaring hereby, our sincere intention, that we will promote and concur in all lawful means for settling a lasting peace to these lands, under the auspicious government of our native born rightful sovereign, the direction of our own domestic councils, and the protection of our native forces and troops.

“ That we will in the same manner concur, and endeavour to have our laws, liberties, and properties secured, by the parliaments of both kingdoms; that by the wisdom of such parliaments, we will endeavour to have such laws created, as shall give absolute security to us and future ages, for the protestant religion, against all effects of arbitrary power, popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty’s judgment, as not to hope, that in due time, good example, and conversation with our learned divines, will remove those prejudices, we know his education in a popish country, has not rivetted in his royal discerning mind; and we are sure, as justice is a virtue in all religions and professions, so the doing of it to him, will not lessen his opinion of ours.

“ That as the king is willing to give his royal indemnity for all that is past, so he will cheerfully concur in passing general acts of oblivion, that our fellow-subjects, who have been misled, may have a fair opportunity of living with us in the same friendly manner, we intend to live with them.

“ That we will use our endeavour for redressing the bad usage of our troops abroad, and bringing the troops at home, to be on the same foot and establishment of pay, as those of England.

“That we shall sincerely and heartily go into such measures, as shall maintain effectually, and establish a right Union betwixt his majesty’s ancient kingdom of Scotland, and our good neighbours and fellow-subjects of England.

“The peace of these nations, being thus settled, and we thus freed from foreign dangers, we will use our endeavours to have the army, reduced to the usual number of guards and garrisons, and will concur in such laws and methods, as shall relieve us of the heavy taxes and debts now lying upon us; and at the same time, will support the public credit in all parts.

“And we hereby faithfully promise and engage, that every officer who joins with us, in our king and country’s cause, shall not only enjoy the same post he now does, but shall be advanced and preferred according to his rank, and the number of men he brings off with him to us, and each foot soldier so joining us, shall have twenty shillings sterling, and each trooper and dragoon, who brings horse and accoutrements along with him, twelve pounds sterling, gratuity, besides their pay.

“And in general, we shall concur with all our fellow-subjects in such measures, as shall make us flourish at home, and formidable abroad, under our rightful sovereign, and the peaceful harmony of our ancient fundamental constitution, undisturbed by a pretender’s interest and council from abroad, or a restless faction at home.

“In so honourable, so good, and just a cause, we do not doubt of the assistance, direction, and blessing of Almighty God, who has so often succoured the royal family of Stuart and our country, from sinking under oppression.”*

Such was the tissue of falsehoods, and palpable absurdities, by which these demagogues of faction attempted to hide from themselves the atrocity of their conduct, and persuade others to join them in their inglorious career. Never were folly and inconsistency blazoned in more legible characters. Was the right of James any better, or was the ancient constitution any more sunk now, than when the earl of Marr

* Campbell’s Life of John, duke of Argyle; pp. 148—152.

was secretary of state? Was the Union any worse now, than it was the previous year, when he boasted to king George, whose "subject and servant," he was then happy to be, of the important part he had acted in bringing it about? Or, of his long enumeration of grievances, is there one that did not exist—if the suspension of the habeas-corpus be excepted, which the treasonable practices of himself and his associates, were the sole causes of—and press on the country as heavily as now, when he assured the king, then on his way from Hanover, under his own hand, "your majesty shall ever find me as faithful a subject and servant, as ever any of my family has been to the crown, or as I have been to my late mistress," and when he begged his majesty might "be so good not to believe any misrepresentations, of the which nothing but party hatred and *his* zeal for the crown *did* occasion?"* These interrogatories being all so very obvious, admitting only of one answer, besides that for truculent, time-serving selfishness, the character of Marr was so notorious, it might have been reasonably supposed he would not have had a single follower. Such, however, was still the force of prejudice, of pride, and of deeply wounded national feeling, and so little were the benefits accruing from the revolution yet understood or appreciated, that these exploded dogmas and foolish assertions, made throughout all that part of the country a very great impression, and Marr, after resting for a few days at Dunkeld, moved to Perth, where he fixed his headquarters, and in a short time, found himself at the head of an army of twelve thousand men.†

By the possession of Perth, the rebels became masters of all the Lowlands on the east shore of Scotland, north of the Tay, containing the fruitful provinces of Angus, the Carse of Gowrie, Mearns, Moray, Aberdeen, and Banff, as well as of the shire of Fife, which, from its maritime situation, afforded them peculiar advantages. By this means, they cut off all communication between his majesty's friends in the south, and those in the north, who could now neither act for his service,

* *Vide* Marr's letter to the king. *Note*, p. 235 of this History.

† Patten's History of the Rebellion, p. 7.

nor save themselves by flight. The whole of the public revenues too, in these places, fell into their hands, for which they granted receipts, in the name of James VIII. The gentlemen of the country, especially such as were favourable to king George, they laid under contribution, according to their pleasure, and compelled to immediate compliance, under the pain of military execution. Arms and ammunition, they laid hold of, wherever they could be found, and in this way, great quantities of both were obtained. From the castle of Dundottar, and from the town of Dundee, they brought up to Perth, fourteen pieces of cannon, and having intelligence of a ship loaded with arms, for the use of the earl of Sutherland and his friends in the north, having put into the harbour of Bruntisland, they detached four hundred horsemen, with each a foot soldier mounted behind him, who arriving at Bruntisland about midnight, pressed all the boats in the harbour, boarded the vessel, and seized the arms, three hundred and six stand, with about twenty or thirty stand from another ship, and one hundred stand collected in the town, all of which they carried off to Perth, without meeting with the smallest interruption. This was considered an enterprise of great daring, and its complete success, brought no little credit to the commander-in-chief, as well as a considerable accession of numbers to his army.*

An exploit of great boldness, was about the same time attempted in the north, but was not attended with the same success. A strong party of the clans, principally the M'Donalds, M'Leans, and Camerons, attacked, and thought to surprise the garrison of Inverlochy. They succeeded so far, as to take a spur, and two redoubts, in one of which, they took a lieutenant and twenty men, and in the other, a sergeant and five; but the garrison being by this time, prepared to receive them, they durst not venture a further attack, but turned south upon Argyleshire.†

The earl of Marr was at this time in high spirits, and probably thought the issue of his enterprise no longer doubtful;

* Campbell's *Life of John duke of Argyle*, pp. 161, 162. Patten's *History of the Rebellion*, p. 154.

† Rae's *History of the Rebellion*, p. 223.

for, in addition to the fine army which he had now collected, Mr. James Murray, second son to the viscount Stormont, arrived with despatches from the chevalier de St. George, giving the strongest assurances of his being immediately in Scotland, at the head of a powerful army, furnished him by France. Murray had gone over to St. Germain's in the preceding April, whence he had just now returned, having reached Edinburgh, by the way of England, in disguise. From Edinburgh, he crossed over to Fife, and thence to the camp at Perth, where his presence, and the happy tidings of extensive succours, diffused the most lively joy. He brought patents from the pretender, one appointing himself secretary of state for the affairs of Scotland, and another creating the earl of Marr a duke, by the title of duke of Marr, marquis of Stirling, and earl of Alloa. All this, however, was but the brilliancy of the rainbow, soon to be extinguished in the dark cloud upon which it was formed. A long reign of splendid atrocity, had just been closed, by the death of Louis, on the first of September, and the court of France had seen a total change of politics. Louis left his throne to his grandson, a boy of five years of age, and the regency of the kingdom to his nephew, Philip duke of Orleans, whose views led him to cultivate particularly the favour of the British government. The interests of the chevalier, were of course, for the time neglected, and though his friends had provided at the ports of Havre and St. Maloes, a pretty handsome equipment of ships and military stores for his use, the appearance of Sir George Byng on the coast, and the representations of the earl of Stair, at the French court, caused the greater part to be re-landed, and, except one or two, who ventured out clandestinely, not one of the ships ever reached the Scottish shores.*

This insurrection had now, however, assumed an aspect much more formidable than the government appears to have contemplated, or if they did contemplate it, they were chargeable with great neglect in preparing no adequate means to meet it. Had not the zeal of individuals, aided by the general feeling of the

* Rae's History of the Rebellion, pp. 221, 222. Douglas' Peerage, vol. ii. p. 529. Smollett's History, &c.

public, gone before the government, serious consequences could not fail to have accrued to the nation. No sooner, however, had Marr thus publicly declared himself, than the laws which had been prepared for such a crisis, were put into operation. The act for encouraging loyalty in Scotland was proclaimed, and a long list of suspected persons were summoned to surrender themselves into the hands of the executive, under the pain of being declared rebels. The most of them, however retired to the mountains, or fled to the earl of Marr. General Wightman, who was commander-in-chief in Scotland, was ordered to form a camp at Stirling, to secure that important pass, and to distribute the half-pay officers in such a manner over the country, as that they might be in readiness to encourage, exercise, and command the militia on any emergence; but his army was trifling, not at all adequate to the task assigned it. Had Marr possessed one half of the military talent, which he did of political cunning, he would most certainly have secured Stirling, and been across the Forth before there had been the shadow of an army collected to oppose him; but accustomed to gain his ends by the slow processes of insinuation and circumvention, he knew nothing of that decision of character and promptitude of action, which, for the successful prosecution of the art military, are indispensable requisites. Hence he spent a number of weeks at Perth, issuing edicts which he had not the power fully to enforce, practising feints against an enemy not equal to his own by nine-tenths, in order to cover a paltry village warfare, and fortifying a camp, which, the moment his antagonist was in sufficient force to attack, he behoved of necessity to abandon.

This want of energy on the part of the earl of Marr was of great benefit to the government, whose agents did not fail to profit by it in a very material degree. Aware of the error they had committed in declining the offers of men and money from so many quarters, they set themselves to rectify the evil, by appointing to the chief command in Scotland the duke of Argyle, upon whose popular character they depended for procuring those supplies of men which they now found to be indispensable. His grace received, in an audience which he had of the king, on the eighth of September, his final orders, and on the ninth he set out for Scotland, followed by

the marquises of Annandale and Tweeddale, the earls of Selkirk, Loudon, Rothes, Haddington, Ila and Forfar, the lords Torphichen and Belhaven, Sir David Dalrymple, his majesty's advocate, Sir William Johnston of Westerhall, and others of the nobility and gentry who had been attending their duty in parliament, and, in this melancholy aspect of Scottish affairs, laid hold of the opportunity to manifest their loyalty to the king, and their zeal for the prosperity and peace of their native country.

Argyle did not arrive in Edinburgh till the fourteenth, in the evening. Next day he inspected the garrison, the fortifications, and magazines; brigadier general Grant he appointed captain of the castle, till brigadier general Preston, who had been appointed to succeed colonel Stuart, should arrive; and he ordered thirty cart load of ammunition and arms to be sent immediately to Stirling and Glasgow for the use of the inhabitants. Next day he proceeded to the camp at Stirling, accompanied by his grace the duke of Roxburgh, the earl of Haddington, colonel Middleton, and several other officers and gentlemen of distinction, when he reviewed the army, which yet did not amount to two thousand men. Aware of this great deficiency of force, his grace, before leaving Edinburgh, wrote to the lord provost of Glasgow as follows:—"Having been informed, since my arrival in this place, that the town of Glasgow had a considerable number of well armed men, ready to serve his majesty, to whom they have showed themselves so well affected, that the good town did once project the sending some hundreds of men to Stirling, for the defence of that place, I must lose no time in praying you would forthwith send five or six hundred men to Stirling, with such officers as you shall think fit to intrust the command of them to. This will be of infinite service to his majesty and your country, and will not fail of being acknowledged as such. I must further inform you, that by all the accounts I receive from different parts of the kingdom, the Highlanders are actually gathering together, so that it will be very highly for his majesty's service that all the well affected men that are armed about your country should hold themselves in a readiness to march, and even begin to assemble. I think your town would be the properest place for

them to join, but that I must submit to the gentlemen of the country who are better judges. As I receive further information of the motions of the enemy, you shall not fail to hear from me. I am," &c. &c.

In consequence of this letter, the city of Glasgow sent three battalions of their best men, well armed, to Stirling, the whole making ten companies, consisting of between six and seven hundred men, though, in the common computation, they were only said to be five hundred, and they were commanded by the lord provost, the honourable John Aird, in conjunction with the honourable colonel John Blackader, governor of Stirling castle. The first battalion had scarcely arrived at Stirling, when Argyle wrote to the magistrates a letter of thanks, and assured them, that he would not fail to report their zeal and diligence to his majesty. At the same time, he requested them "to inform all his majesty's friends in the west country, how necessary it was for his majesty's service that all the fencible men should draw together at Glasgow, and be ready to march as his majesty's service might require."

On receipt of these letters, the magistrates of Glasgow sent expresses to all the well affected in the neighbourhood, and to the gentlemen of the west, stating his grace the duke of Argyle's opinion of the necessity of all the fencible men at least, in that quarter, assembling at Glasgow in arms. These expresses were answered by the almost immediate appearance of considerable bodies of men in arms, yet their numbers were far short of what, from the previous preparations, might have been expected. On Monday, the nineteenth of September, there arrived from Kilmarnock, two hundred and twenty men, who, except a few from Paisley, were the first that entered the city. These were followed next day by one hundred and thirty more, headed by lord Kilmarnock in person. The town of Hamilton sent in seventy volunteers, under the command of Mr. John Muirhead, one of the magistrates; and Strathaven sixty, commanded by Mr. William Hamilton of Overtown, and Mr. William Cruig of Netherfield-dyke. The Kilmarnock people entered upon duty the day after their ar-

rival, keeping watch and ward in the city till the first of October, when the duke of Argyle wrote to lord Kilmarnock, desiring that the west country troops should march into the Highlands, and take up garrison in the houses of Drummykill, Gartartan, and Cardross, in order to curb the insolence of Rob Roy and his gang of thieves, the M'Gregors, who, some days before, had fallen in upon and robbed all the neighbouring country. Gartartan, the most remote of the three, was assigned to the people from Kilmarnock; Drummykill, to those from Ayr; and Cardross, to those from Kilwinning and Stevenston; but, for their mutual security, they marched from Glasgow all in one body. The first night after leaving Glasgow, they halted at Drymen, where they found very poor entertainment, "it being," says Rae, "a very disaffected and malignant place." Being now in the immediate neighbourhood of the M'Gregors and their associates, who were assembled to the number of five or six hundred men, they placed strong guards and lay upon their arms all night. Next day, they reached their destinations, the earl of Kilmarnock with twelve horsemen, accompanying the party to Gartartan, which, as it lay farther into the Highlands than either of the other two, was also the most dangerous, from the slenderness of the house, its vicinity to the M'Gregors, and because it was the only pass by which the rebels could penetrate into the west and south country, all the other passes and fordable places of the Forth, between that and Stirling, being guarded by the troops under the direction of the duke of Argyle. Here they remained at enormous expense, the country people charging them double price for every article of provision, till the thirteenth of October, when they were relieved by a party of the Stirlingshire militia, and returned to Glasgow, where, on the twenty-first of November, they were honourably dismissed.*

The same day that his grace the duke of Argyle sent his express to Glasgow, he wrote also to the town of Greenock, from which place and Cartsdyke he was re-enforced with somewhat more than one hundred men, accompanied by their minister, the Rev. Mr. Turner. These remained under the orders of

* Rae's History of the Rebellion, pp. 226, 227.

his grace for eighty days, doing duty all that time the same as the regular troops. Besides the above that were thus employed abroad, there were fifty men belonging to Greenock, and twenty-five to Cartsdyke, who kept watch every night, bringing all the boats over to the south side of Clyde, to prevent the rebels, especially Rob Roy and his thieves, from transporting themselves across, and plundering the adjacent country.

His grace wrote also from Edinburgh to the magistrates of Dumfries, and to Mr. Ferguson of Craigdarroch, whose zeal for the protestant interest was universally known, requesting them to forward to the camp at Stirling as many men as possibly they could muster. Craigdarroch lost no time in drawing together, in the parishes of Glencairn and Tynron, sixty men well accoutred, all willing to go to Stirling. Mr. John Gibson of Auchinchain he prevailed upon to be their captain, assigned them their other officers, and provided them with a drum and colours. Sir Thomas Kirkpatrick also promised to such of them as were his own tenants, to defray their charges going and coming, and to allow each individual eightpence per day so long as he attended the camp. This liberal encouragement would have induced many more to join Craigdarroch, but from the state of the harvest, which was that year remarkably late, they were necessarily prevented. On the twenty-third they set forward to Stirling, with Mr. Ferguson on their head, accompanied by Thomas Hunter of Bateford, Robert Macgachan of Dalquhat, Mr. Simon Riddle, minister of Tynron, Mr. John Pollock, minister of Glencairn, Mr. James Hunter, minister of Dornock, and several others. Craigdarroch shortly after was sent back by the duke of Argyle to manage matters in his own neighbourhood, where the disaffected were in considerable numbers, and peculiarly active, but the men remained at Stirling for eight weeks doing the duty of soldiers the same as the regular troops.*

The magistrates of Dumfries showed their affection to the cause by ordering, at the same time, one hundred men to be raised and equipped for the camp at Stirling; but they were not ready to march with Craigdarroch, and, by the

* Rae's History of the Rebellion, pp. 225—231.

time they were ready, the motions of the rebels in their own neighbourhood were become so alarming, that they had work enough without going to Stirling, as we shall see by and by.

His grace the duke of Douglas had also by this time his three hundred men completely equipped, officered, and trained, and the first hundred of them marched from Douglas for Stirling on the twenty-seventh of September, and reached Carluke the same day; but provisions beginning to be difficult to be procured at Stirling, the duke of Argyle sent an order for them to quarter somewhere on the north side of Clyde, where they might be in readiness when wanted. Their march was accordingly stopped, and they were ordered to stay at Douglas, and to be acquiring more perfection of discipline, till they should be called to the camp. However, his grace the duke of Douglas, Douglas of Cavers, Sir James Carmichael, Sir James Lockhart of Fallside, the laird of Lammington, and several other gentlemen in the upper ward of Clydesdale, set out for the camp at Stirling on the twenty-ninth of September.*

This array on the side of the government was of the happiest consequence, not only as it strengthened the camp at Stirling by additional numbers, but, as it drew a great concourse of armed men into Glasgow, or concentrated them in its neighbourhood, it prevented the disaffected in that quarter—and there can be no doubt but even there they were in considerable numbers—from moving, for fear of certain destruction, before they could assemble as many of their friends as might afford them protection.† Nor were the friends of the government less vigilant in other quarters. Fife had for the most part fallen into the hands of the earl of Marr; yet, on the twenty-sixth of September, a party going to proclaim the pretender at Kinross were met by the earl of Rothes, and a detachment of dragoons, who put them to flight, made Sir Thomas Bruce of Kinross, who was upon their head, prisoner, and on the twenty-eighth carried him to Stirling castle.‡ The same day there was seized on board a

* Rae's History of the Rebellion, p. 232.

† Lockhart Papers, vol. i. pp. 491—494.

‡ Complete History of the Late Rebellion, p. 88.

ship in the Thames bound for Scotland, four hundred barrels of gunpowder, and forty chests of arms, all intended for the use of the Scottish rebels. The lord Polwarth, who had raised in Berwickshire four hundred militia, came at this same time with one third of them to be assisting to Argyle, by whose desire they were quartered at Linnlithgow till there should be occasion for them.*

The earl of Ila, a firm friend to the protestant succession, had been all this while exerting his influence at Edinburgh, dispersing or apprehending all he could meet with that were known to be disaffected to his majesty's person and government, and a little before this had had the good fortune to baffle an attempt made by about one hundred armed Jacobites to overpower the town guard, and throw the city into confusion, by seizing Burnet of Carlisle, and some other of the ring-leaders at their place of rendezvous, only a few hours before their plot was to have been put in execution; but he was now sent to Argyleshire to assemble the vassals of his brother the duke of Argyle, and the other well affected gentlemen in those parts, for the service of his majesty, and to prevent the rising of the rebels in the west Highlands, as well as to secure the town of Inveraray. And to encourage the zeal of the nobility and gentry, as well as to legalise their measures, the following order was issued:—"John, duke of Argyle, general and commander-in-chief of his majesty's forces in North Britain, to the lords lieutenants, deputy lieutenants, and, in their absence, to the well affected heritors of the western and southern shires in Scotland, and in particular to the justices of peace, magistrates of burghs, and other officers, civil and military:—Whereas, great numbers of well affected noblemen, gentlemen, and others, in the southern and western shires of Scotland, being in readiness to march to such places as they shall be appointed, may be desirous to have a particular order to that effect.—These are, therefore, in his majesty's name, and by his authority, requiring, ordering, and authorizing, the lords lieutenants, lieutenants deputies, or, in their absence, all well affected heritors, and each of them in the western

* Rae's History of the Rebellion, p. 252.

and southern shires aforesaid, to march forthwith their fencible men, with their best arms, and what ammunition they have, and with forty days' provision, towards Glasgow, and to quarter there, or in the adjacent towns or villages on the north side of the river Clyde, in order to be ready to assist in the opposing and extinguishing the rebellion now raised against our laws, our liberties, and the protestant religion; given at our camp at Stirling, the second of October, 1715, Argyle."*

In the meantime, the duke was exerting himself to the utmost to augment his army by filling up the companies to fifty men each, and adding two new companies to each regiment; but being in want of officers as well as men, few could be spared for this service, and the levies went on very slowly, which induced his grace to issue a second order to the noblemen and gentlemen, requesting them to be assisting to those employed in the levies, and promising that their services in that matter should be faithfully reported to his majesty; offering at the same time forty shillings sterling to every private entering his majesty's service, with a promise of being discharged upon two months' notice to his officer, and to have a pass to return to his place of abode within six months after the suppression of the rebellion, without being obliged to serve abroad, or against any foreign power. Liberal, however, as this offer, on the part of his grace, certainly was, it does not appear to have attracted much notice, or to have added in any material degree to the augmentation of his army.† He however, reported faithfully to his majesty the state of the country, and solicited supplies suitable to the occasion; but the ministry were inflexible in their determination not to spare a man out of England. All he could obtain for the present, was an order for a regiment of dragoons, and two regiments of foot from Ireland, each of which happily arrived in time to join him before the battle of Dumblain.‡

The earl of Marr, as we have already seen, was now master of all the eastern coast of Scotland, from Bruntisland to the

* Rae's History of the Rebellion, p. 233.

† Patten's History of the Rebellion, p. 174.

‡ Campbell's Life of John Duke of Argyle, p. 160.

Moray Frith, an extent of better than one hundred and sixty miles. On the west he possessed the Isle of Skye; the Lewis, and all the Hebrides were his own; being, generally speaking, the estates of the earl of Seaforth, Sir Donald M'Donald, and others of the clans who were in his interest, so that from the mouth of the Lochy to Farohead, all the coast of Lochaber and Ross, even to the north-west point of Britain was in his possession. In short, he was now possessed of all that part of Scotland which lies on the north of the Forth, excepting the remote counties of Caithness, Strathnaver, and Sutherland beyond Inverness, and that part of Argyleshire which runs north-west into Lorn, and up to Lochaber, where Fort William was still in possession of his majesty's troops.* Resolving to profit of this large extent of territory for raising money to subsist his army, he, on the fourth of October, issued an order, "commanding and requiring every heritor, feuer, or wadsetter, now attending the king's standard, or that may be excused, or their factors or doers, in their absence, and likewise all liferenters, immediately to proportion and raise among their tenants and possessors of their respective estates and liferent lands, the sum of twenty shillings sterling on each hundred pound Scots of valued rent. And such heritors as do not immediately, nor shall betwixt and the twelfth of October instant, attend the king's standard, if not excused by him the said earl, [of Marr] immediately to proportion and raise out of their respective estates, the sum of forty shillings sterling for every hundred pound Scots of valued rent. Which several proportions; according to their respective cases aforesaid, he ordained to be paid in to his collectors by the persons above mentioned by the twelfth of the month."† This was certainly very bold, and showed an astonishing want of good faith, as it was only in the preceding month he had assured his friends and the public, in one of his treasonable harangues, that he had been furnished with money to bear all the charges of the enterprise,

* Annals of King George, vol. ii. p. 52.

† Patten's History of the Rebellion, pp. 170, 171.

for which neither individuals nor the public should be put to one farthing of expense.

When Marr and his faction were thus exercising all the prerogatives of power, and treating their own countrymen with such rigour as is but seldom exerted towards a conquered people, it was not to be expected but that presbyterians would be subjected to particular hardships. Their clergy especially, who had, generally speaking, displayed the most exemplary spirit of loyalty and affection to the government, were every where the objects of malice, and subjected to lawless abuse. Their houses were plundered, they were taken into custody as traitors, and one and all forbidden either to preach or pray against the pretended king James. Many were under the necessity of deserting their charges and seeking safety in flight, while such of their goods as they could not carry along with them fell a prey to their merciless enemies. The ministers, indeed, were so far from being intimidated, or awed into submission, that they warned their people, both publicly and privately, against the sin and danger of giving to the insurgents any countenance. The synod of Glasgow and Ayr, being met in the beginning of October, emitted a most earnest and seasonable admonition to persons of all ranks in the several congregations under their inspection, to beware of the madness of rebellion, and to quit themselves like men, for their king, for their people, and for the house of their God. The synods of Perth and Stirling, Merse and Teviotdale, Lothian and Tweeddale, followed their example; and the synod of Dumfries, prevented by the rising of the rebels from preparing one of their own, contented themselves with reprinting that given forth by the synod of Glasgow and Ayr.*

It would not be easy to conceive of a situation more miserable than that of the counties which had fallen under the military misrule of the earl of Marr. No sooner had he imposed his cess, to be levied under the pain of military execution, than the duke of Argyle published an edict declaring,

* Rae's History of the Rebellion, pp. 236, 237.

“ That the paying of money to the rebels, or complying with any of their orders or demands, will infer high treason against such as do the same, as being aiders, comforters, and abettors of the rebels; and discharging all his majesty's good subjects within Scotland to give, or furnish the rebels with money, provisions, or any other aid or assistance whatsoever, directly or indirectly, under the highest pains and punishments of the law.”* This order or edict he appointed to be intimated at every parish church door after divine service, and before the dissolution of the congregation, the first sabbath after it came to hand. This was immediately followed by a counter edict by the earl of Marr, “ prohibiting any person from enlisting in the duke's service, under the pain of high treason, &c., or any magistrate, justice of the peace, minister of the gospel, or any other person, from publishing or executing any orders issued by his grace, under the same pains.†

* Patten's History of the Rebellion, p. 171.

† Life of John, duke of Argyle, p. 175.

THE
HISTORY OF SCOTLAND.

Book IV.

1715—1716.

Party of Rebels cross the Forth—Take possession of Leith—Attempt Edinburgh in vain—Retreat from Leith—March for England—Rebellion in England—Viscount Kenmure commissioned by the Earl of Marr to head the Scottish insurrection in the South—Attempts on Dumfries—Lord Lovat apprehended at Dumfries—The Chevalier proclaimed at Lochmaben, &c. &c.—Kenmure joins Forster and the English at Rothbury—March back to Scotland—Sermon at Kelso—Proclamation of the Chevalier at Kelso—Council of War—Array of the Rebel army—March apparently without knowing to what end—Are pursued by General Carpenter—Dumfries again alarmed—Rebels march for England—Are deserted by five hundred Highlanders—Reach Longtown—Brampton—Perth—The Posse Comitatus—Appleby—Kendal—Kirby Lonsdale—Lancaster—Colonel Charteris—Dumfries—Preston—Besieged by General Wills—Forster surrenders—Preparations that had been made for assisting the Rebels in England—Reflections—Duke of Argyle—Earl of Marr—Difficulties attending both—Marr breaks up from Perth—Battle of Sherrifmuir—Operations in the North—Inverness taken from the Rebels—Arrival of the Chevalier—Publishes his Declaration—Receives addresses from the clergy and magistrates of Aberdeen—Creates Knights, Lords, and Bishops—Makes his entry into Perth—His bigotry—Pusillanimity—Melancholy state of his affairs—Issues an order for burning the country to prevent the advance of the king's troops—General Cadogan is sent to the assistance of the Duke of Argyle—Argyle proceeds towards Perth—The Chevalier retreats—Takes ship at Montrose for France, with his principal officers—The royal army proceeds to Inverness—Argyle returns to Edinburgh—Cadogan proceeds to disarm the Highlanders—The rebellion is extinguished.

IN the midst of this war of manifestoes, which could be little profitable to either party, the army of Marr, by the zeal of the clans, was increasing to a number truly formidable. On the fifth of October, he was joined by the M'Intoshes, under the command of brigadier M'Intosh, the laird of Borlam, to the number of five hundred, the very best appointed of any in the rebel army. Borlam too, who commanded them, had served in the army abroad, and had the reputation of a bold and experienced officer. On the sixth, he was joined by the marquis of Huntly, with five hundred horse, and two thousand foot, and on the seventh, by the earl Marischal,

with three hundred horse, and five hundred foot. General Gordon, reputed to be an excellent officer, was also at no great distance, beating up for followers in the county of Argyle, with one hundred horse, and four thousand foot, whence he threatened to pour down upon Dumbarton and Glasgow, which obliged the duke of Argyle to cause the three regiments he received from Ireland, to halt at the latter city, till it was seen which way Gordon should direct his march, which he did very soon into Marr's camp at Perth. Seaforth was yet a little behind, being incommoded in his manœuvres, by the earl of Sutherland; but he was on his way with eight hundred horse, and three thousand foot. With this accumulation of force, had there been among the rebels, any thing like military skill or experience, there could have been no difficulty in forcing the passage of the Forth; but Marr had no experience in war, and Argyle, though his talents in that way, did not rise above mediocrity, had acquired so much reputation under the duke of Marlborough, as in the present instance, evidently supplied the place of half an army. Marr was well aware, that he had numerous coadjutors in the south, with whom, it was one of his great objects to get into contact; but the friends of the government had exerted themselves with so much diligence, that he was in complete ignorance of the movements of these his friends, and in place of pushing boldly forward to join them with his whole force, fell upon the feeble expedient of bringing them forward, by sending to their aid, a detachment from his army, across the Forth below Edinburgh.*

For this expedition six regiments were selected, M'Intosh's, Marr's, Strathmore's, Nairn's, Drummond's, and lord Charles Murray's, amounting in all, to two thousand five hundred of the best troops in the army. The command was intrusted to Borlams, and they were covered on their march to the sea coast by some troops of horse, commanded by Sir John Erskine of Alva, the master of Sinclair, and Sir James Sharp, a grandson of the famous Sharp, archbishop of St. Andrews, who was put to death

* Patten's History of the Rebellion, pp. 8, 9, &c. Campbell's Life of John Duke of Argyle, p. 185.

by a party of covenanters, at Magus Moor, in the year 1679. On their arrival on the coast, every boat along the shore was put in requisition, but the ships of war in the Frith, having been apprized of the design by the duke of Argyle, who had in vain given orders for all the boats on the coast of Fife to be brought away or destroyed, weighed their anchors and prepared to intercept them. A great deal of marching and countermarching was practised through the day on the part of the rebels, and a party sent by Marr for the purpose, openly embarking at Bruntisland with the avowed purpose of crossing over to the southern shore, drew the whole naval force to that point, when the Highlanders immediately relanded, apparently in great trepidation, and threw up, in a hurried manner, some batteries, whence they commenced firing upon the ships. The ships were not slack in returning the fire, though the effects were of little consequence. The manœuvre on the part of the rebels, however, was completely successful; while the ships were thus engaged, Borlam came down to the shore, and during the night embarked at Ely, Pittenweem, Crail, &c. and before the ships perceived their mistake, the main body had reached the middle of the channel. From the state of the tide, and the dead calm that prevailed, it was impossible for the ships to give chase. They manned all their boats, however, and rowing after them, captured one boat with forty men, whom they carried prisoners to Leith. Some they forced back to the coast of Fife—among whom was lord Strathmore, and his lieutenant colonel, Walkinshaw of Barrowfield—others they forced to take shelter in the Isle of May, who, after waiting till next tide, were glad to get back to the Fife side of the water. Of the whole detachment, which consisted of two thousand five hundred men, about one thousand six hundred landed between Tantallon, North Berwick, and Aberlady, and the first night were quartered at Haddington.*

The main purpose to be served by this daring attempt, was to aid the rebels of Northumberland, and to animate such as had promised to join them out of the southern counties of Scotland; but next morning, October the thirteenth, they pro-

* Patten's History of the Rebellion, p. 11.

ceeded directly towards Edinburgh, which was, by this movement, thrown into the utmost consternation. Numbers in the place, it was well known, waited only for an opportunity to declare openly for the rebels; and, if the earl of Marr made a motion to face the duke of Argyle, it did not appear possible to save the city by any force the constituted authorities could at present command. That the brigadier was secretly invited to visit the city is extremely probable, and he, no doubt, expected with the aid of the mob, to make himself master of it. The good conduct of the magistrates, and the unanimity of the better class of citizens, however, disappointed his hopes, and prevented any fatal consequences, though the panic was very general and very great. An express was sent off instantly to Stirling, to request regular troops for the defence of the city, and two hundred foot, mounted upon country horses, and three hundred cavalry, arrived at the West Port, by ten o'clock the same evening. Borlame and his little army, when they arrived at Jock's Lodge, finding none of the citizens of Edinburgh come out to meet them as they had expected, learning also, that all the authorities were active in their stations, and every disposition made for defence, resolved to march upon Leith, which they entered without opposition. Had their temerity carried them to Edinburgh, it is not at all unlikely they had met with the same success. Their conscious inability to seize upon the castle, and the dread of Argyle, who, they knew was almost hourly expected, probably prevented them from attempting this nobler achievement, which would have reflected far higher honour upon their reckless daring, and rewarded it with a richer spoil.

On entering Leith, their first business was to liberate their forty companions who had been captured in crossing the Firth. They next seized upon the custom-house, where they found (a most acceptable booty) a considerable quantity of brandy, meal, beef, and other provisions. They then took possession of the citadel, an old fortress raised for the protection of the port in the time of Oliver Cromwell, and going on board the ships in the harbour, they seized upon several pieces of cannon, with a quantity of powder and ball. The cannon they placed upon the ramparts, and all the more accessible places, they

barricadoed with such materials as came to hand, in the best manner they could.*

On Saturday the fifteenth, the duke of Argyle, accompanied by generals Evans and Wightman, marched against them with his three hundred cavalry, two hundred infantry, and about six hundred militia, and summoned them to surrender upon pain of high treason, declaring, that if they compelled him to force them, they should have no quarter. He was answered by the laird of Kinackin, with characteristic pride and barbarity. "That as to surrendering, they did not understand the word; quarter they would neither take nor give; and he might force them if he could." Sensible that they could not be attacked with any prospect of success without artillery, the duke withdrew to prepare the means of more efficient warfare; and M'Intosh seeing no probability of being able to possess himself of Edinburgh, only six or seven of the inhabitants having joined him, notwithstanding the prosperous state of his affairs, and these seven having made him acquainted with the real state of the city as being perfectly quiet, and every thing disposed for a regular defence; and also, that the duke of Argyle was preparing to fall upon him that very night, or, at farthest, next morning, he resolved to profit by the darkness of the coming night and be gone. As a preparatory measure, he despatched a boat for the coast of Fife, with special information for the earl of Marr, detailing his progress and requesting further orders. This boat was no sooner despatched than they began to fire after her, which deceived the enemy's ships of war, and she was allowed quietly to proceed with her papers, to which, she brought back an answer to Seaton house on the Tuesday following.†

Every thing having been prepared with the greatest caution and secrecy, taking advantage of the ebb tide, about nine o'clock at night, they commenced their retreat by the sands, round the head of the pier for Seaton house, belonging to the earl of Winton, about nine miles to the east of Edinburgh. They left behind them about forty men, who had made too free with

* Rae's History of the Rebellion, p. 261.

† Patten's History of the Rebellion, pp. 14, 16.

the custom-house brandy, a few stragglers who had lagged on the march, some baggage and ammunition which fell into the hands of a detachment under the command of colonel Debourgay.

Nothing particular occurred in their progress till they reached Musselburgh, where some people from that town fired upon their front, but without doing them any damage, farther than throwing them into great confusion, in consequence of which, they resolved to take every man they should afterwards meet on horseback as an enemy; which resolution proved fatal to one of their best friends, Alexander Maloch of Mutree Shields, who being on his way to meet them, was accosted by a Highlander in native Gaelic, of which he knew not a syllable, and, of course, returning no answer, he was shot dead upon the spot. The noble old brigadier, however, took what money he had about him, sixty guineas, and left him, for he had not time to bury him. Scarcely had they got a mile beyond Musselburgh, when they were again alarmed with the noise of musquetry upon their front, and, again taking a party of their own men for enemies, the foremost of the body fired upon them, and killed a sergeant and a private belonging to Marr's own regiment. These false alarms and mistakes, so fatal to their friends, were occasioned by the darkness of the night, which effectually prevented them from being either seen or pursued, and they reached Seaton house, without any more material circumstances intervening, about two o'clock in the morning.* Here they were joined by several of their companions, who, crossing the Frith farther to the east, had been unable to come up with them on the march to Leith, and by them, were informed of Strathmore and other gentlemen being forced ashore on the Island of May, and compelled to return to the earl of Marr.

Argyle, being early next morning apprized of the retreat of the rebels from Leith, and their having occupied Seaton house, sent an express to Stirling for four gunners, two bombardiers, and some cannon and mortars to dislodge them; but the earl of Marr, aware of their critical situation, in order to make a diversion in their favour, gave out that he would immediately cross the Forth at Stirling; and, apparently for that purpose,

* Patten's History of the Rebellion, p. 16.

had actually begun his march in three divisions, which compelled his grace to return to Stirling with all possible despatch, which Marr was no sooner apprized of, though he had come as far as Dunblane, than he marched quietly back to Perth, having completely gained his purpose, which was to enable his friends to get away from Seaton house without molestation.*

Upon the return of the duke of Argyle to Stirling, major-general Wightman, and colonel Kerr, with one hundred cavalry, one hundred and fifty infantry, and the militia and volunteers were left to take care of the city of Edinburgh, and to carry on the siege of Seaton house. When these gentlemen, however, reconnoitred the place, they found all the avenues intrenched, and the gates so strongly fortified, that it was impossible to make any impression upon them without artillery, which they could not at the present command, and so retired without exposing themselves to the danger and the disgrace of making a fruitless attempt to dislodge them. Here, indeed, the Highlanders finding themselves secure from any sudden surprise, lived for some days most riotously, pursuing their favourite amusement, lifting cattle and sheep, meal, &c. which they found in greater plenty, and attended with less toil than at the feet of their native mountains. Highly pleased with the situation, they proposed to establish there a general magazine, and to raise an army from among their friends in Edinburgh and the adjacent country. Receiving orders, however, on the eighteenth from the earl of Marr, by the return of the boat which they despatched from the citadel of Leith, and, at the same time, an express from Forster, who headed an insurrection on behalf of the pretender, in Northumberland, with an account of the rising in the south of Scotland, under the lord viscount Kenmure, and particularly requesting their co-operation on the border, they set out for Kelso the following day, Wednesday the nineteenth, and reached Longformacus that night, a distance of seventeen Scottish miles.† On this day's march they passed Hermiston house, the residence of doctor Sinclair, who had been concerned in an affray with Mr. Hepburn of Keith, in

* Rae's History of the Rebellion, p. 265.

† Patten's History of the Rebellion, p. 20.

which a son of Keith's was killed, the first who was killed in this rebellion, in revenge for which, the brigadier gave orders to burn and plunder it. The major of his own regiment, however, Miller of Mugdrum, and Mr. Menzies of Woodend, dissuaded him from raising fire so soon, and the burning was prevented, but every thing valuable belonging to the house was carried off.*

General Wightman having notice of the retreat from Seaton house, set out with eighty dragoons, fifty militia, and some volunteers to harass their rear, but returned in the evening, having only taken up a few stragglers and deserters. The fifty foot men who accompanied him, he stationed on his return in Seaton house, and recovered a great deal of the spoil, which the Highlanders, unable to carry off, had left there behind them. Beside the stragglers that fell into the hands of general Wightman, a number of the Highlanders deserted on this day's march, and wandering over the country, were secured by the inhabitants, and sent in to Edinburgh and Glasgow, where they remained prisoners till the rebellion was over.

Sir William Bennet of Grubbet, Mr. Cranston, brother to lord Cranston, Mr. Kerr of Cavers, and several other loyal gentlemen, who had returned from Stirling to take charge of their respective districts on the rising of the rebels in the south, and had posted themselves at Kelso, hearing of the approach of the Highlanders, and conscious that they were not competent to the defence of the place against so great a force, abandoned it on Thursday, the twentieth, the greater part of them going to Edinburgh, and carrying their arms along with them. The brigadier entered Dunse the same day, where he proclaimed the pretender James VIII.; and, after having collected all the public revenue, set out for Kelso on the Saturday, where he arrived the same night. The rebels of Northumberland and Nithsdale, having entered that place in the forenoon, the Nithsdale horse, as a compliment to the brigadier and his troops, met them at the bridge of Ednam, and conducted them triumphantly into the town.†

* Rae's History of the Rebellion, p. 266.

† Patten's History of the Rebellion, p. 21.

Having thus brought together the friends of the chevalier, from the north and from the south, it may be proper to glance at the previous proceedings of the latter, while their united wisdom is at work concocting the scheme of their future operations.

Notwithstanding that Scotland was the scene of the most active exertion on behalf of the pretender, and the place where the rebellion was finally put down, we have already seen that it was not by any means the alone scene of discontent and disaffection. Though it was in the wilds of Bræmar, and among the mountains of Northumberland, that the standard of the chevalier was first flung upon the winds, it was in London that the plot was laid—in London that its principal and most dangerous abettors were to be found—in London where its most powerful support was looked for—and it was in London where it was hoped it would successfully terminate. All those disgraceful and mischievous mobs which we have already taken notice of, with others that are yet to be narrated, had their origin in London. There all those calumnies and misrepresentations were forged, and by proper agents carried over the country with multiplied aggravations, that kept the fears and the enmities of the ignorant rabble in perpetual activity. There, when it was concluded that nothing less could accomplish their purpose, the plans of rebellion were prepared; and thence they were dispersed over the nation by Irish papists, who, under the pretence of viewing the country, travelled about with their servants in the character of independent gentlemen.*

The principal of these incendiaries were colonel Oxburgh, Nicholas Wogan, Charles Wogan, and a Mr. James Talbot, all Irish, and papists, with whom were joined Mr. Clifton, brother to Sir Gervase Clifton, and Mr. Beaumont, both gentlemen belonging to Nottinghamshire, and Mr. Buxton, a clergyman of Derbyshire. All these, habited and attended like gentlemen, were in perpetual motion, from the beginning of August, till near the end of September, when warrants were issued for apprehending the lord Derwentwater, the lord Widdrington, the lord Dunbar, Sir Marmaduke Constable, Sir William Blackett, Mr. Forster, and others, who were the leading men

* Patten's History of the Rebellion, pp. 23, 26.

in the north of England, and deeply dipped in treason. Conscious of their guilt, and afraid that it would be impossible to elude the vigilance of the messengers sent in quest of them, these gentlemen determined that now was the time to show their loyalty to him whom they called their lawful king, James, and that it was much better to take arms and run all hazards, rather than that of being seized, carried off to London, subjected to a long imprisonment, a rigorous examination, and perhaps, brought inadvertently to betray one another.

In consequence of this determination, notice was sent to all their friends that were within reach, to meet in arms, October the sixth, at a place called Greenrig, in Northumberland, which was done accordingly, Mr. Thomas Forster, younger of Etherston, member of parliament for the county, being first upon the ground with about twenty followers. They made no stay at Greenrig, thinking it inconvenient, but proceeded immediately to the top of a hill, called the Waterfalls, whence they could descry at a considerable distance, any that might appear, either to join or to oppose them. They had scarcely ascended the hill, when they perceived the earl of Derwentwater, who had come that morning from his own house at Dilston, "with some friends, and all his servants well mounted, some upon coach, and others upon good country horses." He had called, as he came along, at the seat of Mr. Errington, where several gentlemen had appointed to meet him, which they did accordingly, and all went on together. They were now sixty in number, mostly gentlemen, and it was agreed that they should march to the river Coquett, to a place called Plainfield. Here they received a considerable accession of numbers, after which they proceeded to Rothbury, a small market town, where they took up their quarters for the night. Next morning, October the seventh, their number still increasing, they went on to Warkworth, a market town upon the sea coast, where, next day, Saturday the eighth, they were joined by lord Widdrington, with about thirty horse.

On Sabbath, Mr. Forster, who had now taken the title of general, sent Mr. Buxton, the Derbyshire clergyman, who had been one of the emissaries of the faction for bringing the rebels together and now acted as their chaplain, to the

clergyman of the place, Mr. Ion, with orders to omit in his prayers the usual names of "king George, the prince, and princess," and to substitute "the chevalier, James VIII., Mary, the queen mother, and all the dutiful branches of the royal family." Mr. Ion declining the honour intended for him, Mr. Buxton took possession of his pulpit, read the prayers according to his own mind, and preached to the no small encouragement of his hearers; "his sermon," says Patten, who was doubtless one of his auditors, "being full of exhortations, flourishing arguments, and cunning insinuations to be hearty and zealous in the cause; for he was a man of a comely personage, and could humour his discourse to induce his hearers to believe what he preached, having very good natural parts, and being pretty well read."* Mr. Ion, the regular clergyman of the place, in the meantime fled to Newcastle, where he gave information to the government of all that had taken place.

Monday, the tenth, they marched to Morpeth, and were joined, as they passed Felton bridge, by upwards of seventy Scottish horse; they had also before, been considerably increased at different places, so that when they entered Morpeth they were "three hundred strong, all cavalry, for they would receive no foot, else their numbers would have been very great."† Before leaving Warkworth, Forster, in disguise, proclaimed the pretender king of these realms, by the name of James III., with all the formalities that place and circumstance would admit. The same thing was done at Morpeth, on the fifteenth, by Mr. Buxton, who acted as herald on the occasion, with the additional circumstance of inviting all sorts of persons, presbyterians excepted, to enter into his service with the promise of twelpence per day.‡

Forster, upon taking up arms, had engaged Lancelot Errington, the master of a vessel at Newcastle, to surprise the small garrison upon the Holy Isle, which he designed to hold as a place for making signals to the friends of the cause from abroad, who were expected to be upon the coast im-

* Patten's History of the Rebellion, p. 19.

† Ibid. p. 30.

‡ Bennet's Memorial, p. 408.

mediately, bringing along with them arms, officers, and ammunition. Here he learned that Errington had actually succeeded in his enterprise; but it was to no purpose, for the governor of Berwick having an immediate account of the circumstance, despatched a part of his garrison, who, crossing the sands at low water, retook the castle, taking prisoner Errington himself and several others, whom they carried to Berwick; whence, not long after, they made their escape.* Forster and his friends, unacquainted with Errington's reverse, were in high spirits, and promised themselves great things at Newcastle, which they now expected would open her gates to receive them. Meeting with no invitation, however, from their party there, the whole body turned a little to the westward and marched to Hexham, where they hoped to have a demonstration made in their favour by their friends in Newcastle. Here they were joined by some more troopers from Scotland, and marched to a muir adjoining to Dilston, the seat of lord Derwentwater, where they again halted, having still an eye upon Newcastle.

The magistrates of that town having intelligence of their design, took such measures as effectually prevented them. They began by imprisoning all papists and suspected persons, and arming and encouraging the loyal inhabitants for their own defence; they also built up all the gates with stone and lime, excepting the bridge, and Brampton gate, in each of which they planted two pieces of cannon. Other pieces, they placed in convenient places, and the militia having mustered not far from the town, they got them in for their better defence. At the same time lord Scarborough, lord lieutenant of Northumberland, came in to aid and oversee their preparations, and the loyal gentlemen of these parts, emulating his example, mounted their tenants and neighbours on horseback, and repaired to his assistance, so that, in a short time, the town was full of horse and foot. Hotham's regiment of foot coming up on the ninth, and lord Cobham's dragoons on the twelfth, Forster abandoned his design, returned to Hexham, where he seized all the horses, arms, and

* Bennet's Memorial, p. 409.

ammunition he could find, and thence he despatched a messenger to the earl of Marr for assistance.*

But this insurrection had yet another fountain head, to which, it will be necessary also to attend. The viscount of Kenmure, having received a commission from the earl of Marr to marshal the friends of the pretender in the southern counties of Scotland, several of the disaffected nobility and gentry were drawn together upon the borders, and began to assemble in large parties at the houses of their friends, about the same time that the rising took place in Northumberland. These parties, in prosecution of their designs, kept moving about from place to place with great secrecy and circumspection. Their motions, however, excited suspicion, and on Saturday, October the eighth, when the people of Dumfries were assembled in the church, it being the preparation before the sacrament, Mr. Gilchrist, one of the magistrates, received a letter advising him of a plot laid by the Jacobites to surprise and take possession of the town next day in time of the sacrament. The magistrates, however, made no further use of this information than to double their guards, and all things remained peaceable. On Monday, the tenth, the inhabitants of the parishes of Tortherwald and Tinwald, having further intelligence of the enemy's design, put themselves in arms, and marched to Locherbridge Hill, whence they sent an express to Dumfries to acquaint the magistrates and Mr. Robison, the minister of Tinwald, who was there at the time, with an offer of their services to the town that night. This offer was declined, but they were requested to hold themselves in readiness whenever they should be called. Next day, a letter arrived from the lord justice clerk, which left no longer any room for doubt upon the subject. It was dated at Edinburgh, October the eighth, 1715, and of the following tenor:—"Sir, having good information that there is a design framed of rising in rebellion in the southern parts against his majesty and the government, I send this express to advise you thereof that you may be on your guard, for by what I can rely upon, their first attempt is to be suddenly upon your town. I heartily

* Rae's History of the Rebellion, p. 248.

wish you may escape their intended visit, and am, &c. &c. Adam Cockburn."*

A consultation was immediately held by the magistrates and principal inhabitants on what was proper to be done; and the most prompt and vigorous measures were adopted for the safety of a place of so much importance to the government, as well as to the surrounding country. There being that day, a rendezvous at Leathsmuir of the fencible men of Kirkcudbright, it was resolved that a deputation should be sent to them requesting them to come into the town without loss of time. This deputation came too late to obtain the object in view, many of the men having gone off the ground before their arrival; but expresses were sent after them to all quarters, and the synod of Dumfries being met that day, the ministers belonging to the neighbourhood went out after sermon, and returned that same night with numbers of their parishioners in arms. Expresses were also sent to the loyal gentlemen in the neighbourhood, and the town was next day provided with a considerable body of armed men, all volunteers, from the several parishes of Nithsdale and Galloway, and many more were willing to come, had they only been provided with arms. The best spirit was indeed, every where apparent; the provost of Kirkcudbright set out from that place, with a company of foot, on the twelfth, in the morning, and arrived at Dumfries the same night, and even those who lived in the most remote parts of the country, and were latest in hearing the alarm, were in Dumfries within two days.

This rapid assembling of troops for the defence of Dumfries, was the more remarkable, that the Jacobites had sent their secret emissaries through the country in all directions, stating, in name of the public authorities, that there was to be no rendezvous of the men in arms, till the thirteenth. On the twelfth, the rebels intended to have been masters of the town, and so to have rendered the rendezvous of the loyal inhabitants on the following day unavailing.† In pursuance of this plan, the lords Kenmure and Carnwath, on the night of Tuesday the eleventh, being informed of some arms that were

* Rae's History of the Rebellion, p. 247.

† Ibid. p. 249.

lodged in Brade chapel, for the use of the servants of Sir William Johnston of Westerhall, broke into the chapel next day, seized the arms, which they distributed among their followers, and marched off to Moffat, in order to join the earl of Winton, who, with a party of Lothian gentlemen with their servants, amounting to seventy, was on his march for that place, where they met and quartered for that night.*

The same, or the previous night, Simon Fraser lord Lovat, having procured his pardon from the king, as already stated, arrived at Dumfries on his way to the north, and being unknown, was detained a prisoner, till the magistrates should be satisfied respecting his character and intentions. His lordship referred them to the marquis of Annandale, for the attestation of his character and loyalty. Mr. Currie, one of the magistrates, and a servant of lord Lovat's, waited accordingly upon the marquis at his house at Lochwood, who informed them, that he had been closely pursued up the Tweed, by the earl of Winton and his troop, and had afterwards narrowly escaped falling into the hands of Kenmure and his party; he therefore requested the magistrate to wait upon him next morning with a party, to conduct him safely into the town. Mr. Currie, of course, returned, and delivered his lordship's demands, when a drum was beat through the town, about eleven o'clock at night, and intimation given to all townsmen and strangers, who were provided with horses, to appear in the streets fully armed, by the next beat of the drum. An alarm was accordingly beat on the Thursday morning by one o'clock, to the consternation of the citizens, who knew not the real cause, and a considerable body of horse and foot drew up in the streets, which were all illuminated with the greatest alacrity. From the darkness of the night, it was judged impracticable for the foot to march, but about three o'clock, the horse proceeded to Lochwood, and returned with the lord lieutenant the same forenoon. Lord Lovat having certified the marquis of his steady loyalty, and that he was going to the north, for the purpose of raising his vassals for the service of his majesty, was allowed to depart at his own conveniency.

* Rae's History of the Rebellion, p. 250.

In the meantime, the rebels at Moffat, unacquainted with the extent of the preparations made to receive them, and still supposing that the town knew nothing of their intentions, took their route directly for Dumfries, and were within a mile and a half of the place, by two o'clock in the afternoon. Here, however, they were informed of these preparations, and agreed to retire, till their number, now about one hundred and fifty, should be increased by the accession of others of the party. They then retired to Lochmaben, carrying prisoners along with them, Mr. Paterson, one of the magistrates of Dumfries, Mr. Hunter, a surgeon, and Mr. Johnston, postmaster there, who had been sent out to reconnoitre, and unfortunately fell into their hands. They used them, however, in a kindly manner, and dismissed them next day, after the town had liberated three of their friends, who had been imprisoned on suspicion of being Jacobites.*

No sooner did the rebels make these hostile demonstrations than the avenues of the town were hastily barricadoed, the highways cast up, intrenchments formed, the guards re-enforced, and every thing prepared for making the most vigorous resistance; and when the enemy was observed to be on the halt, the whole body assembled in arms, were unanimous in their determination to attack them, and to cut off their retreat, which not being permitted to do, they resolved next morning to surprise them in their quarters at Lochmaben, the lord Lovat volunteering his services to go on their head. From this rashness, however, they were wisely restrained, by the marquis of Annandale, who considered, that from their inexperience, their want of officers, &c., a rash attack might be attended with fatal consequences, not only to themselves, but to the good cause in which they were engaged. They were upon the succeeding days, employed by his lordship to far better purpose, in seizing and securing suspected persons, with their horses and arms; of which the number in that neighbourhood was very considerable. On Tuesday the eighteenth, a detachment of one hundred and fifty horsemen, was sent out to search the borders, who went as far as Springkell, and on their return,

* *Rae's History of the Rebellion*, p. 252.

put a garrison of twenty men into Cumlungan castle, the seat of the lord viscount Stormont; but his lordship soon after, surrendering himself at Dumfries, was sent in a prisoner to Edinburgh and the garrison was withdrawn.

At the same time, to cut off the communication between the papists of the lower parts of Galloway, and the rebels on the borders, the marquis of Annandale empowered Mr. John Sommerville, minister of Caerlaverock, to take off the back bridge at the Isle, and to keep a constant guard of the inhabitants of the said parish, who were almost all tenants to the earl of Nithsdale, at the Bankend bridge. He also granted warrant to Mr. Patrick Lin, one of the ministers of Dumfries, to assist him with the people in his part of the landward parish, which, with the utmost diligence, was done accordingly. Nor was it the lord Nithsdale's tenants in Caerlaverock alone, that were loyal; they were the same in Troquire, Terregles, and Kirkgunzian, and along with the tenants of the viscount Kenmure, and the earl of Carnwath, were all in arms at Dumfries, manifesting the most ardent zeal for the government. Two or three domestic servants were all the dependants that followed these three noblemen into the rebellion.*

Having made these and other necessary arrangements, and learned that the rebels had gone into Teviotdale, the marquis of Annandale returned to Edinburgh, on Thursday the twentieth of October, and the country people being allowed to return home, Dumfries was for a little left to the care of its own inhabitants.

The rebels under Kenmure, on entering the town of Lochmaben, Thursday the thirteenth, proclaimed the pretender with the usual formalities. On Friday, they proceeded to Ecclefechan, where they were joined by Mr. Maxwell of Sprinkell, with fourteen horsemen. Saturday, they marched to Langholm, and their number being thus increased to one hundred and eighty, on Sabbath the sixteenth, they entered Hawick, where they proclaimed the pretender, and rested for the night. On the seventeenth, they proceeded to Jedburgh, intending to go forward to Kelso; but learning that there were a number of

* Rae's History of the Rebellion, p. 257.

gentlemen assembled there for its defence, they, on the eighteenth, entered England, and marched to Rothbury, in order to join the Northumberland insurgents under Forster, who were still at Hexham. Forster, aware that general Carpenter was preparing to attack him there, and informed of the approach of Kenmure, broke up on the nineteenth, and making a long march, joined him at Rothbury the same night. Next day, all of them proceeded to Wooler. At Wooler, they rested on the Friday, and were joined by the Rev. Robert Patten, who was afterward the historian of their achievements, with a number of men whom he had enlisted for their service. Here they learned, that M^cIntosh, with a detachment from Marr's army, was on the way to join them, and had already advanced to Dunse, on which they took the route for Kelso, in Scotland. On their march thither, they carried off a number of horses, and made a Mr. Selbie, a gentleman of that country, prisoner. Before entering Kelso, they halted upon a muir, where the gentlemen formed into troops, were drawn out by themselves, and called over, both by their names, and by the offices they were designed to fill in the several troops. To every troop, two captains were assigned, "being the only way," Patten observes, "they had to oblige so many gentlemen!" While they were thus employed, they had information brought them, that Sir William Grubbet had evacuated Kelso, as we have already observed, on account of the approach of brigadier M^cIntosh and the Highlanders. They, of course, resumed their march, and fording the Tweed, though at that time very deep and rapid, entered Kelso without opposition, where they were joined by the Highlanders, as we have already seen, when they formed an army of one thousand four hundred foot, and six hundred horse, whereof about two hundred were menial servants.*

Next day, Sunday the twenty-third of October, lord Kenmure having the chief command in Scotland, ordered divine service to be celebrated, not in the episcopal meeting house, but in the great kirk of Kelso, and all the men to attend. Mr. Buxton

* Rae's History of the Rebellion, p. 268. Patten's History of the Rebellion, pp. 38, 39.

read prayers, and Mr. Robert Patten, the historian, preached from Deut. xxi. 17. "The right of the first-born is his." "All the lords," Patten informs us, "that were protestants, with a vast multitude of people, attended; and it was very agreeable to see how decently and reverently, the very common Highlanders behaved and answered the responses, according to the rubrick, to the shame of many that pretend to more polite breeding. In the afternoon, Mr. William Irwine, a Scots clergyman and nonjuror, read prayers, and preached a sermon, full of exhortations to his hearers, to be zealous and steady in the cause. He had formerly preached the same sermon in the Highlands of Scotland, to the lord Viscount Dundee and his men, when they were in arms against king William, a little before the battle of Killycranky."

Next morning, the Highlanders were drawn up in the church-yard, and marched to the market-place, with colours flying, drums beating, and bagpipes playing, where they formed a circle, the lords and other gentlemen standing in the centre. An inner circle was formed by the gentlemen volunteers, and silence being enjoined, Seaton of Barnes, who assumed the title of earl of Dunfermline, proclaimed the chevalier, in a proclamation to the following effect. "Whereas, by the decease of the late king, James VII., the imperial crown of these realms, did lineally descend to his lawful heir and son, our sovereign, king James the VIII. We, the lords, &c., do declare him our lawful king, over Scotland, England," &c. &c. Marr's manifesto was then read, and the people with loud acclamations, shouted, No Union! No Malt! No Salt Tax!* After going through this ceremonial, they returned to their quarters, where they remained till the twenty-seventh, using no hostilities, further than lifting all the public revenues, searching for arms, foraging for provender, &c. &c. Of fire-arms, they found few, and these principally small pieces of cannon which formerly belonged to Hume castle, and had, in former ages, been employed against the English, but were, at this time, brought thence by Sir William Bennet, to be placed at the barricades

* Patten's History of the Rebellion, pp. 39, 40, 41.

which he had made in the streets. They likewise found a few broadswords hid in the church, and a small quantity of gun-powder.*

By this time, general Carpenter, who had been sent down to pursue them, had broken up from Newcastle, was advanced to Wooler, and it was reported would attack them next day. A council of war was in consequence called on the twenty-seventh of October, to determine in what manner their future proceedings were to be conducted. As is usual in all hopeless cases, the council was greatly divided in opinion. The gentlemen from Northumberland were urgent to have the scene of their operations transferred to England, which they had but just left. This was violently opposed by the Scots, particularly by the earl of Winton, and brigadier M'Intosh. The advice of these gentlemen, was to return and join the western clans, taking Dumfries and Glasgow in their way, both towns of considerable note, and able to afford abundant supplies of every thing in which they stood in need, as well as being both valuable stations for forwarding the ulterior object they had in view. The wisdom of this advice has been, we think, far too generally admitted; yet there was so much plausibility in it, and they were, by circumstances, so much shut up to its adoption, that one can hardly help wondering at its being rejected. Rejected, however, it was, as well as another proposal, which had in it something much more enchanting to young soldiers of fortune, and bade fair to have given to their cause a temporary triumph, if it had not paved the way for more splendid as well as more profitable achievements. This was to cross the Tweed, and cut off general Carpenter before he could receive further supplies, which, in all probability, they would have found no great difficulty in doing, for his army was not above nine hundred effective men, and these, a great number of them at least, quite raw, and the whole at this time excessively fatigued.† M'Intosh, though he seconded the earl of Winton very strongly for returning through the western counties, had no objection to this latter proposal, shrewdly remarking, that the longer

* Patten's History of the Rebellion, pp. 50, 51.

† Rae's History of the Rebellion, p. 269.

they deferred an engagement, the stronger would be the opposition they would have to encounter; and when we look at their number, and their equipment, which was greater and better at this than at any after period, their conduct in declining this advice can hardly be accounted for upon any rational principle. The Highlanders under M^cIntosh, who, allowing for deserters in the course of the march, could not be much below fourteen hundred men, were themselves probably more than a match for general Carpenter with all the force that he could immediately muster; and there were besides, of Scottish noblemen and gentlemen, five troops of horse, and, of English noblemen and gentlemen, at least an equal number.

The first troop of Scottish horse, was commanded by lord Kenmure, who had under him the honourable Basil Hamilton of Baldoon, nephew to the late duke of Hamilton, a promising youth, who displayed great courage and capacity afterward at the unfortunate affair of Preston, though he was but very young. The second was the Merse troop, consisting chiefly of the followers and dependants of the earl of Hume, which, as the earl was a prisoner in the castle of Edinburgh, was commanded by his brother, the honourable James Hume, a gentleman much respected, and of a most amiable disposition, but for such an important situation far too young. The third was commanded by the earl of Winton, and consisted entirely of his lordship's followers. The command under himself, he gave to captain James Dalzell, brother to the earl of Carnwath, who had formerly been in the service of his majesty, but, on engaging in this affair, threw up his commission, which saved him afterwards from being shot as a deserter at Preston. The fourth belonged to Robert, earl of Carnwath, but he gave the command to his uncle, John Dalzell, Esq. a gentleman remarkable only for his attachment to the fallen dynasty of the Stuarts. The fifth had been raised principally through the influence of George Lockhart of Carnwath, but having the good fortune to be himself a prisoner in the castle of Edinburgh, it was commanded by his brother, captain Lockhart, a gentleman of fine parts, improved by a liberal education. He had been previously in the service of the government, and was at this time on half pay, in consequence of which, he was

shot as a deserter at Preston. He displayed throughout, both courage and capacity, and met his fate with a constant magnanimity worthy of a better cause. These were all completely furnished and well armed, though their horses were rather small, and but in a mean condition.

The English consisted likewise of five troops of horse, all under the command of Thomas Forster, junior, of Etherston, member of parliament for the county of Northumberland. He was a man well esteemed in the country, of good parts, and personally brave, but utterly unacquainted with military affairs. He was pitched upon by the earl of Marr, under whose commission he acted, only because there was no other protestant of note in these parts in the pretender's interest, and he was afraid to give the chief command to a papist, for alarming his protestant friends. Forster's first troop belonged to the earl of Derwentwater, and was commanded by his brother, Charles Radcliff, Esq. and captain John Shaftoe. Derwentwater had the misfortune to be educated a papist, but had a highly estimable character. He was very little fitted for overturning thrones, and seems to have been engaged in this rebellion from a little personal acquaintance with the chevalier, rather than any vehemence of political feeling, and of all the unhappy men whose ruin was accomplished by means thereof, none was more deeply lamented. The second troop was the lord Widdrington's, and commanded by Thomas Errington of Beaufort. Lord Widdrington reflected no credit upon the cause, though he was come of a family that had produced many great men, behaving afterwards with great pusillanimity when opposed to his majesty's forces at Preston. Errington had been in the French service, was a man of good parts, and an excellent officer, but had no great enthusiasm in the cause, being led to embark in it, merely from some obligations he lay under to lord Derwentwater. The third troop was commanded by captain John Hunter, a desperate character. He had obtained a commission in the latter end of queen Anne's reign, to raise an independent company, but never received any pay upon it, nor enlisted any men. He was a noted runner of uncustomed goods, and possessed in a high degree that energy of character peculiar to such a profession. In the

defence of Preston he behaved with the greatest bravery, and after being taken, made his escape in a few days out of Chester castle, got over to Ireland, and thence safely into France. The fourth troop was commanded by Robert Douglas, a Scottishman, and likewise of a desperate character. He signalized himself on several occasions, by going between England and the earl of Marr, with the utmost secrecy and expedition, bringing along with him on one of these occasions, Mr. Forster's commission, and the manifestoes and declarations which that nobleman emitted in name of the pretender. "He was indefatigable," says Patten, "in searching for horses and arms, a trade, some were pleased to say, he had followed out of the rebellion as well as in it." He also acquitted himself at Preston with desperate bravery, and made his escape after being made prisoner, either from Liverpool or Chester. The fifth troop was commanded by captain Nicholas Wogan, an Irish gentleman, descended from an ancient family of that name in Wales. He was generous and humane, highly brave, and an enthusiast in the cause in which he was engaged. Besides these ten troops, there were a great many gentlemen volunteers not formed into any regular troop, and, as we have already stated, they were all double officered.*

Such was the amount, and such the leaders of an army, that, on the twenty-seventh of October, having learned that general Carpenter intended to attack them next day with a force, nominally of one thousand men, but certainly not above nine hundred, many of them men that had never seen any service, and all of them worn out with long marches, retreated, or rather decamped, apparently not aware whether they were retreating or advancing, to Jedburgh, on their march to which, they were thrown into the greatest confusion, by mistaking a body of their own men for the army of general Carpenter. At Jedburgh, they found that they were three days' march ahead of general Carpenter, and it was resolved, upon the earnest entreaty of the English gentlemen, to march into England. To this project, however, the Highlanders were obstinately averse; and, although captain Hunter, who was intimately acquainted with the country,

* Patten's History of the Rebellion, pp. 51—64.

had been sent with his troop to Tyndale, to provide quarters for the whole army, they moved on to Hawick on the twenty-ninth, and orders were sent after captain Hunter to countermand him. In Jedburgh, the magistrates were ordered to furnish the Highlanders with a quantity of oat meal, which they did, by compelling every householder to give a quantity according to his ability. At this place too, they were joined by a Mr. Ainsley of Cowhill, and several others.*

On the march to Hawick, the Highlanders, still supposing they were on the road for England, separated themselves upon a rising ground on Hawick muir, and rested their arms, declaring, that though they were willing to fight if brought to the enemy, they would upon no account go into England; but, following the suggestion of the earl of Winton, they would return by the west of Scotland, join the clans there, and, crossing the Forth above Stirling, join the earl of Marr; or, sending him notice, fall upon Argyle in the rear, while he fell upon him in front. Eager to have his plan followed, Winton had probably tutored the Highlanders to adhere to it, for they would speak with or be spoken to by none but himself, and he now told them, that by going to England they would be overpowered by numbers, and either cut to pieces or taken and sold for slaves—a prediction that had a more full accomplishment than was probably either expected or desired by him who uttered it. During this dispute, which lasted upwards of two hours, the cavalry, seven hundred strong, assisted by two hundred foot, were drawn around the Highlanders to compel them to submission; but they cocked their muskets, and faced about, saying, “that if they were to be made a sacrifice of, they would choose to have it done in their own country;” and all that could be made of them was, that they would abide by the army while it continued in Scotland, but would by no means enter England.†

After this dispute, which lasted upwards of two hours, was made up, they continued their march for Hawick, where Mr.

* Patten's History of the Rebellion, p. 67.

† Rae's History of the Rebellion, pp. 272, 273.

Forster, with the English lords and their relations, took up their quarters at a house belonging to the dutchess of Buccleuch; but the accommodation for the rest of the army was most miserable. We may also notice here, that after joining the horse, the Highlanders mounted guard and did all the duty, and at Hawick the advance guard about midnight perceived a party of horse patrolling on their front, when they gave the alarm, and all ran cheerfully to arms. It was clear moonlight, which enabled them to form in very good order, and the design being answered, which was only to see if the Highlanders would stand to their arms, they were soon advertised that it was only their friends whom they had mistaken for enemies, and all returned quietly to their quarters, the simple Highlanders probably never in the least suspecting the true reason of the alarm. Next day being Sabbath they marched to Langholm, whence at night they pushed forward a detachment of four hundred horse to Ecclefechan, under the command of the earl of Carnwath, to block up Dumfries, till the main body should arrive to attack it. In the meantime, general Carpenter entered Jedburgh in pursuit of them, and the magistrates of Dumfries, with the assistance of the loyal gentlemen in the neighbourhood, had again made the best dispositions for giving them a warm reception, should they have the temerity to make the threatened attack.*

The marquis of Annandale had fortunately requested of the duke of Argyle a few half-pay officers to assist in training the militia within his lieutenancy, and they had been sent accordingly from Glasgow some days before this. Under the direction of these officers, a great many hands had been set to work to fortify Dumfries, and put it in a condition to resist any sudden attack of an enemy. "All the gates and avenues were built up with stone, except the bridge and Lochmaben gate. A line was drawn from the river to the church-yard—which was strongly fortified on the east and north quarters—and thence through the meadow and grounds to the highway without Lochmaben gate; and on the other side of the same it ran

* Patten's History of the Rebellion, pp. 68, 69.

east, turning round towards the north-west and then to the south-east corner of the Christal Chapel,* making a covered way, in form of a half moon and bastion. From the south-west corner of the same chapel another line was drawn somewhat parallel to the former for the safety and conveniency of the men, in case the enemy should form on the fields between that and the Loreburn, which was also intrenched. The enclosure, or meadow, between that and the highway leading to the townhead—which was built up with stone as above—was sufficiently fortified by a strong trench on the inside of the hedge. And on the other side of the same highway—at the Moat—between it and the river, another trench was cast up in form of a bastion; but these trenches could not be got finished that week.”†

The militia had not yet been raised, but the town was re-enforced with above two thousand volunteers, ready and willing to venture all in so good a cause. They were not, indeed, without discouragement from traitors among themselves, one of whom had the effrontery to go through the several quarters of the town telling the countrymen who had come in to defend it, “that the town would certainly surrender, and they would all be cut off.” He was, however, instantly apprehended and committed to prison. Proclamation was also made through the town “that whatever malicious stories might be reported by the enemies of his majesty’s government, the town would be defended to the last extremity.” There were also emissaries of a still more desperate character among them who attempted to set the town on fire; and to provide against such diabolical practices, or to counteract their evil effects, was no small trouble to the magistrates, besides all their other cares.

On the morning of the thirtieth, being the Sabbath, and the rebels having come the length of Langholm, an alarm was beat through Dumfries, making intimation to the workmen, who had scrupled to work on the Lord’s day, to repair

* This chapel is so called from having been erected by king Robert Bruce in honour of the Virgin Mary, and in memory of his brother-in-law, Christal Seaton (the third of that name) of Winton, who was beheaded there by king Edward I. of England, because he would not submit to his usurpation.

† Rae’s History of the Rebellion, p. 274.

to the trenches immediately, which, seeing the necessity of the case, they did with great cheerfulness. "Several trees were cut down in the church-yard in time of sermon, and split into stakes to secure a dam through the mill burn, to raise water to fill the trenches, and stop the passage of the enemy's horse through the meadows." At the same time a number of masons threw down the east and back walls of the chapel, levelling them to a convenient height for resting firelocks on, and the stones being driven down to the highway were built into a redoubt.

Monday morning early, intelligence having arrived that the advance guard of the rebels was at Ecclefechan, only eight miles distant, an alarm was sounded for every one to repair to his place, whether townsman or stranger, which accordingly they did with the most undaunted courage. A corps of reserve, consisting of two hundred men and three pieces of cannon was posted in the centre of the town ready to re-enforce that quarter where the attack should be made. The surgeons also attended at the several posts assigned them with every thing ready for service in case of an engagement. It was on this emergency that an express was sent to Mr. John Hepburn, and those who were with him in arms at Kirkmahoe. Supposing that matters had come to an extremity, and that the town was actually attacked, he hesitated not with his little band, to march instantly to their assistance; and though he did not enter the town, he remained in its vicinity till the danger was over, by the rebels taking the direct road to England.* What would have been the fate of the town had the attack been made, it was impossible then to determine, and it is now useless to inquire. Of military skill there was not a great stock on either side. Numbers were in favour of the citizens, and they would certainly have fought with many advantages. History, too, records many examples of cities less amply provided, defending themselves successfully against armies far more numerous, and at least as well prepared as those infatuated insurgents could possibly be.

After having continued under arms all the Monday, and all

* Rae's History of the Rebellion, p. 272.

the night following, and after the whole body of the rebels had marched two miles from Langholm towards Dumfries, the citizens were saved from making any further proof of their resolution by some of the leading rebels still insisting upon the great and manifold advantages of marching into England, from which they either had or pretended to have letters inviting them thither, with the assurance of twenty thousand men in Lancashire being ready to join them. This, with an express at the same time setting forth the preparations made in Dumfries for their reception, finally turned the scale; they made a feint on the Blacket Ridge, where they halted a considerable time waiting for orders, which at last came forth, to march into Cumberland. The detachment at Ecclefechan was ordered to wheel about for Longtown, whither the whole army directed its march the same day, with the exception of five hundred of the Highlanders, who, though their leaders had been gained by fair promises, could on no account be prevailed upon to go over the border, choosing rather, as they said, to surrender themselves prisoners than go forward to certain destruction. The earl of Winton, declaring, "they were taking the way to ruin themselves," also went off with a good part of his troop. He shortly, however, returned, though not at all satisfied with their proceedings. The small pieces of cannon they had brought from Kelso they left at Langholm, having nailed them up so as to render them unfit for service; and they all met at Longtown, within nine miles of Carlisle, after a very fatiguing march.*

In the meantime, the five hundred refractory Highlanders set out for the heads of the Forth, taking their route through the muirs by Lockerby. They were only, however, rushing upon that fate they wished to avoid. Ten of them were taken at Brieryhill by a Robert Jardine and some country people, and brought prisoners to Dumfries. The remainder kept together till they had passed through Moffat; but, unable to find provisions in a body, they dispersed at Erickstone, some of them

* Patten's History of the Rebellion, p. 72. Life of John, Duke of Argyle, p. 216.

taking their way through Crawford muir towards Douglas, and others going on by Lammington. Some countrymen in Annandale, having observed them on their march through that district, posted to Lammington, where they arrived about midnight, with intelligence of the retreat, and that the fugitives were already in their bounds. Expresses were immediately sent to the well affected in the neighbouring parishes of Crawford, Crawfordjohn, Douglas, Roberton, Wistoun, Biggar, Skirling, Coulter, and Kilbucho, to assemble next morning by the rising of the sun at the bridge of Clyde. Accordingly, next morning, November the second, the lairds of Lammington, Nisbet, Gillespine, Mosscastle, Baillie Vallenge from Biggar, Mr. Mitchell, factor to Hertrie, Mr. Baillie, in Moat, and many other gentlemen, with a multitude of people from the foresaid parishes, all well armed and accoutred, assembled at the place appointed, and being there informed that these poor unfortunate wanderers had been seen in the hills above Lammington, they marched thither in several parties, and, after a long search, found upwards of two hundred of them in different bodies, whom they conducted prisoners to the church of Lammington, and sent in next day to Lanark. The miners at Hopeton and Wanlockhead, and the people of Douglas, took up in small parties about sixty more of them, who were likewise sent prisoners to Lanark, and thence to Glasgow.* These, with some few that were taken about Sanquhar, Carnwath, Linton, and other places, made above three hundred that were certainly made prisoners. How many of them fell by famine, by fatigue, or in inglorious struggles with the peasantry, to whom they were peculiarly obnoxious, has not been recorded; but it is probable very few of them ever regained their native hills.

The main body of the rebels having rested one night at Longtown, proceeded next day, November the first, to Brampton. Here Forster opened his commission to act as general in England, and took upon him the command accordingly. The pretender was here proclaimed with the usual formalities, and all the public money secured for his use. Here too, Kenmure

* Rac's History of the Rebellion, pp. 278, 279.

and Forster had letters from Marr, not at all of a consolatory tendency.* Duplicates of these letters fell into the hands of government, whence it would be learned, that there was nothing

* The following are the letters alluded to, the first is to Kenmure.

My Lord,

I long extremely to hear from you, you may be sure, since I have not had the least account almost of your motions, since I sent the detachment over. I hope all is pretty right again, but it was an unlucky mistake in brigadier M^cIntosh, in marching from Haddington to Leith. I cannot but say though, that it was odd your lordship sent no orders or intelligence to him, when you had reason to expect that party's coming over every day. His retreat he made from Leith, and now from Seaton, with the help of the movement I made from this, makes some amends for that mistake; and I hope that party of men with him, will be of great use to you and the cause. I wish you may find a way of sending the inclosed to Mr. Forster, which I leave open for your lordship to read; and I have little further to say to you than what you will find in it. I know so little of the situation of your affairs, that I must leave to yourself what is fit for you to do, as will most conduce to the service, and I know you will take good advice.

My humble service to all friends with you, particularly brigadier M^cIntosh, lord Nairn, lord Charles Murray, and M^cIntosh, who, I hope, are joined you long ere now; and, indeed, they all deserve praise for their gallant behaviour. I must not forget Kinackin, who, I hear, spoke so resolutely to the duke of Argyle from the citadel; and I hope Inercall, and all my men with him are well; and their countrymen long to be at them, which, I hope, they and we all shall soon. I have sent another copy of the inclosed to Mr. Forster by sea, so it will be hard if none of them come to his hands.

I know your lordship will let me hear from you as soon as possible, which I long impatiently for, and I hope you will find a way of sending it safe. In one of my former, either to your lordship, or to somebody to show you, I told that a part of the army would be about Dumbarton; but now I beg that you will not rely upon that, for till I hear from general Gordon, I am uncertain if they hold that way. I have sent your lordship a copy of my new commission, which, perhaps you have not seen before. I have named the general officers, and your lordship has the rank of brigadier of the horse.

I am told that earl Winton has been very useful to our men we sent over. I suppose he is now with your lordship, and I beg you would make my compliments to his lordship, and I hope the king will soon thank him himself.

I will trouble your lordship no further now, but all success attend you, and may we soon have a merry meeting. I am, with all respect,

My lord,

Your most obedient and most humble Servant,

MAR.

From the Camp at Perth,
October 21st, 1715.

dangerous in the composition of the leaders of this ill planned and worse conducted insurrection. From this day forward too, the Highlanders had to be spirited on, by receiving each sixpence per day of regular pay.*

From the Camp at Perth, October 21st, 1716.

Sir,

I wrote to you of the 17th, from Auchterarder, which I hope you got. I marched the same night, the horse to Dumblain, within four miles of Stirling, and the foot some miles short of that place. Next morning, I had certain intelligence of the duke of Argyle's returning from Edinburgh with most of the troops he had carried there, and was on their march towards Stirling. I also had an account of Evan's regiment landed in the west of Scotland from Ireland, and were on their way to Stirling. I had come away from Perth before our provisions were ready to go with us, and I found all the country about Stirling, where we were to pass the Forth, was entirely exhausted by the enemy, so there was nothing for us to subsist on there. I had no account from general Gordon, as I expected, and the soonest I could expect him at the heads of Forth, was two days after that, and I could not think of passing Forth till I was joined by him. Under these difficulties, and having got one of the things I designed by my march, the duke of Argyle's withdrawing from our friends in Lothian, I thought fit to march back to Auchterarder, which was a better quarter, though not a good one neither. Next morning I got intelligence of the duke of Argyle's being come to Stirling the night before, and that he had sent express upon express, to Evan's dragoons to hasten up. I had a letter also that morning, from general Gordon, telling me that some things had kept him up longer than he expected; that it would be that day, ere he could be at Inverary, and that he could not possibly join me this week. Upon this, I thought it better to return here, which is a good quarter, and wait his coming up, and the lord Seaforth's, than continue at Auchterarder, since it would not a bit retard my passing the Forth, when I should be in a condition to do it, and, in the mean time, I could be getting provisions ready to carry along with me in my march, which, as I have told, are absolutely necessary about the heads of Forth; so I came home last night.

I very much regret my being obliged to this, for many reasons, particularly because of its keeping me so much the longer from joining you; but you easily see it was not in my power to help it. However, I hope my stay here shall be very short, and you may depend upon its being no longer than it necessarily must. The passage over the Forth is now so extremely difficult, that it's scarce possible to send any letters that way; and within these two days, there were two boats coming over with letters to me, that were so hard pursued, that they were obliged to throw the letters into the sea, so that I know very little of our friends on that side, and less of you, which is no small loss to me. I heard to-day by word of mouth, that the detachment I

* Rae's History of the Rebellion, p. 279. Campbell's Life of John, Duke of Argyle, p. 216.

On the second of the month, they reached Penrith, where they hoped to have been met by a number of friends. Mr. Dacre of Abbeylanner-coast, a papist, had particularly promised to meet them with forty men. But he was fortunately taken

sent over, are marched, and joined our friends in the south of Scotland, so I hope they may be yet useful, but I hope you know more of them than I do. I have now writ to lord Kenmure, but it is ten to one if it comes to his hands. I know not what he is doing, where he is, or what way he intends to dispose of his people, whether he is to march into England, or towards Stirling, to wait my passing Forth; and in the ignorance I am in of your affairs besouth the river, I scarce know what to advise him. If you be in need of his assistance in England, I doubt not but you have called him there; but if not, certainly his being in the rear of the enemy, when I pass Forth, or now that the duke of Argyle is reinforced, should he march towards me where I am, it would be of great service. I am forced in a great measure to leave it to himself to do as he finds most expedient.

I am afraid that the duke of Ormond is not as yet come to England, else I should have had the certainty of it one way or other before now. I cannot conceive what detains him nor the king from coming here. However, I am sure it is none of their fault; and I hope they will both surprise us agreeably very soon.

I believe I told you in my last, of the lord Strathmore and 200 of the detachment that were going over Forth, and drove into the Island of May by three men of war, who being got safe ashore on this side, are now joined us again. There were but two of all the boats taken; and I hear some of the men that were in them, who were made prisoners in Leith, were relieved by our men when they came there, but that their officers were sent to Edinburgh castle; so I want some reprisals for them, which I hope to have ere long.

The brigadier M'Intosh's mistake in going to Leith was like to be unlucky to us and them, yet it has given the duke of Argyle no little trouble, and our march obliging him to let them slip, has, I am apt to believe, vex'd him.

I beg you will find some way to let me hear from you. Ever since my detachments were in Fyfe, all the men of war that cruised on the north coast, betwixt Peterhead and the Firth, have been in the Firth, and, I believe, will continue there, to prevent my sending more over that way; so all that coast is clear, which I wish to God the king knew; and you may easily send a boat here, any where, with letters from England. I hear there is one of the regiments of foot from Ireland come to Stirling.

When you write to me, if by sea, pray send me some newspapers, that I may know what the world is a doing, for we know little of it here these eight days. Success attend you; and I am, with all truth and esteem,

Sir,

Your most obedient, humble Servant,

Directed thus,

MAR.

To Mr. Forster, with the king's forces in Northumberland.

with a fever, which prevented his design, and saved him and his family from ruin. The sheriff, the lord Lonsdale, and the bishop of Carlisle, had drawn out the *Posse Comitatus* of Cumberland, to the number of twelve or fourteen thousand, to withstand them on this day's march, but never was the little dependance that can be placed upon an undisciplined multitude, more strikingly displayed, than on this occasion. The multitude were indeed assembled upon the spot where the rebels behoved necessarily to pass, if they passed at all, but the report of their coming, was enough for this cowardly rabble; they never waited to take one look of the enemy, but casting the arms, with which they ought to have defended themselves and their country, from them as useless encumbrances, they fled every man to shift for himself in the best manner he could. Lord Lonsdale alone, with twenty of his domestics, waited till they came in sight, when he too of course retired. A party pursued him to Lowther Hall, but did not find him. They took the benefit of his house for the night, making free with his cellar, &c. but in every other respect, conducted themselves with propriety, doing no damage either to house, furniture, or garden, though the contrary was reported of them at the time.* The sudden dispersion of the *Posse Comitatus*, mightily encouraged the rebels, and put them besides, in possession of a good quantity of arms, which were thrown away in the flight, and a number of horses.

Before entering Penrith, the rebels were arrayed in order of battle, that they might make the best possible appearance for encouraging their friends, and overawing their enemies. Mr. Patten, the historian, having formerly been curate of this place, and well acquainted with the country, was sent out with a party of horse, to intercept the bishop of Carlisle, but was followed by an express from the general, ordering him to proceed through the town of Penrith to Emont bridge, and beset a house, where he was told, he would find his brother-in-law, Mr. Johnston, collector of the salt tax, whom he was to make prisoner and bring to the army, with all his books, papers, and money. Mr. Johnston, however, declining the friendly visit of his brother-in-law, had gone out of the way, taking all the

* Patten's History of the Rebellion, p. 85.

money along with him; but Mr. Patten, that he might not appear to have been altogether idle upon the road, made a few of the fugitives belonging to the *Posse Comitatus* prisoners, and delivered them, together with their arms, to the guard.*

Penrith being a plentiful place, they thought it good to enjoy a little English hospitality, and refreshed themselves very freely at the expense of the honest citizens. They found time, however, to proclaim the pretender, and according to custom, uplifted the excise and other public money, and "looked a little into the country," as Mr. Patten periphrastically expresses it, "as well for their friends, as to furnish themselves with arms and horses, for of the latter they were in great want."†

Having spent the night thus happily at Penrith, they set forward to Appleby. Mr. Ainsley, who had joined them at Jedburgh, with sixteen Teviotdale gentlemen, this day deserted them, anticipating most probably, what would be the result of "looking after their friends, and helping themselves to horses," in the manner they were doing; nor had they as yet any considerable additions to their number, government having been beforehand with them, in apprehending all the leading Roman Catholics, and confining them in Carlisle, by which their reputations were in some degree preserved, as well as their lives and their estates. This day, too, their historian, Mr. Patten, while enjoying that hospitality, of which they seem to have been all very much enamoured, with some of his friends, narrowly escaped falling into the hands of the sheriff,‡ which, if he had, they would have lost the benefit, on many occasions, of public prayers, and the world had probably wanted one very clear narrative of their transactions.

Appleby, they occupied from the third to the fifth. Here, in addition to lifting the public money as usual, they took possession of the church, where Mr. Patten was ordered to read prayers, if the curate refused. These gentlemen, the curates, for the most part, modestly declined the honour intended for them by the vicegerents of the chevalier, though they testified to what side their affections leaned, by causing the bells to be

* Patten's History of the Rebellion, p. 84.

† Patten's History of the Rebellion, p. 85.

‡ Ibid. p. 86.

tolled for the service, being present at it, and joining in the prayers for James, which mightily encouraged the Highlanders, as it led them to believe, that the whole high church party was theirs, and would instantly join them. Every thing indeed, that could be thought of, was done to conciliate the Highlanders, who now, however reluctantly they had entered England, having partaken of its good cheer, though they had not yet seen the twenty thousand men, that were said to be waiting to join them, appear to have been in pretty good humour. On the fifth, they set out for Kendal, carrying along with them, a Mr. Thomas Wyburgh, a captain of the trainbands, and some others, whom they seized as spies, and carried on to Preston, where they remained prisoners till relieved by the king's troops.

On Sabbath, the sixth, they arrived at Kirby Lonsdale, a small market town in Westmoreland, in time to proclaim the pretender, and in the afternoon to go to church, where the indefatigable Mr. Patten again read prayers, the minister of the place having fled.* In the whole march to this town, the last in Westmoreland, though they had traversed two populous counties, only two persons had joined them, one Mr. John Dalston, and a gentleman from Richmond; but being now on the borders of Lancashire, the papists began to join them in great numbers.

On the march from Kendal to Lancashire, the whole army was drawn up upon a hill, and lay some time upon their arms, during which time, Charles Widdrington, brother to lord Widdrington, came from Lancashire, (whither he had been sent to inform the gentlemen of that county, of the approach of the insurgents,) with tidings of the great joy which his intelligence had diffused, and that all were ready to support the cause to the utmost. He further informed them, that the chevalier had that very day been proclaimed at Manchester, where the townspeople had got arms at their own proper expense, to equip fifty men, besides numerous volunteers in the service. This had a

* Mr. Patten mentions here, a Mr. Guin, who went along with them, and entering into all the churches, scratched the name of king George out of the service book, and placed the pretender's in its place, so neatly, that the erasure was hardly discernible.—*History of the Rebellion*, p. 87.

particular effect upon the spirits of the Highlanders—who, though they were humoured in every thing, were still under some uneasiness on account of the small number that appeared to join them—and giving three huzzas, they resumed with cheerfulness, their march to Lancaster.

The notorious colonel Chartres happening to be at this time, along with another officer, in Lancaster, would have blown up the bridge that leads into the town, but was prevented by the inhabitants, who insisted upon the great loss that would accrue to the town from the destruction of so fine a bridge, and to no manner of purpose, as the river was easily forded at low water, and boats could be procured by the rebels to take them over at any time. The probability is, that Lancaster was in the interest of the chevalier, and did not wish to throw any obstructions in his way. The colonel, however, succeeded in having several barrels of gunpowder, lying in the hands of some merchants, thrown into a well, which effectually saved it from falling into the hands of the rebels, the whole body of which, entered the town immediately, marched directly to the market-place, and with sound of trumpet, proclaimed the chevalier, after which, the men were billeted upon the town, "which," Patten observes, "was well able to entertain them."

The same night, a party of horse paid a visit to the house of colonel Chartres, a few miles from Lancaster, where they were reported to have committed great excesses. Patten says, "they did no harm to the house, for they behaved very civilly, only they made free with a few bottles of his wine and strong beer." "If the Scots," he adds, "had been allowed to pay their countryman's house a visit, they would not have scrupled to have set it on fire."*

The march of the rebels into Lancashire being certified to the magistrates of Dumfries, the countrymen there assembled, who were paid sixpence each per day, the time they remained, were allowed to return home, all of them promising to return upon twenty-four hours' warning, should there be again occasion for them, and the town was again left to the care of its own inhabitants, with the addition of a few militia from Annandale,

* Patten's History of the Rebellion, p. 90.

who arrived there only a few days before. The fortifications, however, were still carried on, under the care of lieutenant David Reid, one of the half-pay officers, who caused deepen the trenches, and make the works much stronger than at first, by stockading and palisading the bastions and half-moons, till the news arrived of the total defeat of the rebels at Preston, which put a stop to the work, otherwise the town would soon have been rendered impregnable against a far greater force than the rebels were at any time able to muster.*

Lancaster was occupied by the rebels from the seventh of November to the ninth, during which time they seized a quantity of arms which were in the custom-house, some claret, and a large quantity of brandy, which, to encourage and keep up their spirits, was all bestowed upon the Highlandmen, whom it was the great aim of the leaders to sooth and conciliate. They likewise took up all the money belonging to the revenue, which was either in the excise, or custom-house, and a considerable sum that was aboard a ship in the harbour, belonging to Mr. Heysham, a merchant of London, and a member of parliament. Six pieces of cannon, which they found here, they mounted upon new carriages, and carried them along to Preston. They had also prayers read here by Mr. Patten, the minister of the place excusing himself, "though he was not much averse to it, any more than some of his brethren; but he wanted to be sure how the scales would turn, before he committed himself too far." From this town, Mr. Buxton, the Derbyshire clergyman, was sent off with letters for some gentlemen in Derbyshire, where his acquaintance lay; and "it was a lucky errand to him," Mr. Patten remarks, "for by that means, he had the good fortune to escape being taken at Preston. He was a well bred and good humoured gentleman," continues the historian, "but his constitution could not bear the hardships of such an undertaking as this, especially of the long marches in that season of the year. He went to his own country, and there fell ill of the small-pox; but hearing that narrow search was made for him, he was obliged to remove, even in that condition, and has not since been heard of."

* Rae's History of the Rebellion, pp. 281, 282.

The place of Mr. Buxton was supplied that very day he went off by the notorious William Paul, of St. John's college, Cambridge, clerk, who "came boldly up to Mr. Forster as he sat at dinner with Mr. Patten at the recorder of Lancaster's house, and in a flourishing way made a tender of his service for the cause," which was of course accepted. This gentleman affected to be a walking chronicle for intelligence, and pretended to know all about the movements of the royal armies, particularly of general Carpenter, who appears to have been the only one of his majesty's generals that they had any fears of falling in with. From this source Mr. Forster certified Mr. Patten, that Carpenter was then at Barnard's castle in the bishopric of Durham with his men and horses excessively fatigued; "all which," adds the chagrined historian of his own disappointments, "was true enough, though their being so fatigued did not hinder their march after us."

While they waited at Lancaster they had very considerable additions to their numbers, and had they been so prudent as to have continued here, where they could easily have maintained themselves against any force that could have been brought to bear upon them perhaps for months, or had they even placed a garrison in it, they could not have failed to increase still more. Many Lancashire gentlemen with their servants and friends, in the meantime came in to them, but they were all papists, which rendered the Scottish gentlemen and the Highlanders mighty uneasy, for it was the party of the church upon which they had the greatest dependance, and whom they expected to have joined them to a man, but which the access of so many papists rendered every day less probable. "Indeed that party," continues Patten, who himself belonged to it, and was an eye-witness of the greater part of the scenes he has attempted to delineate, "who are never right hearty for the cause, till they are mellow over a bottle, began now to show us their blind side! and that it is their just character, that they do not care for venturing their carcasses any further than the tavern! There, indeed, with their high church and Ormond, they would make men believe, who do not know them, that they would encounter the greatest opposition in the world; but after having consulted their pillow, and the fume a little evaporated, it is to be ob-

served of them that they generally become mighty tame, and are apt to look before they leap, and with the snail, if you touch their houses, they hide their heads, shrink back, and pull in their horns. I have heard Mr. Forster say, he was blustered into this business by such people as these, but that for the time to come he would never believe a drunken tory.”*

Having now, as they imagined, afforded a fair opportunity for all their friends in this place to come forward, they began to think of advancing, that their friends in other places might have the same privilege. Before departing, however, they relieved some of their partisans who were prisoners here in the castle, particularly the famous Tom Syddal, a mock captain of Manchester, who had been imprisoned for being concerned in the mob in that town, which pulled down a meeting-house, and committed many other acts of violence upon the persons and the property of unoffending individuals. Nor, though they had intelligence daily of troops assembling to oppose them, does it appear to have once occurred to them that this might have been made a place of considerable strength, which, in case of a reverse, with a small garrison would have been of singular service to their interests.† Warrington bridge and Manchester, where they had assurances of great numbers to join them, and the rich town of Liverpool, which, once in possession of Warrington bridge, they made themselves sure of, seems so completely to have engrossed their attention as to have excluded every other consideration.

To take possession of these important places, they evacuated Lancaster on the ninth, taking the route to Preston, which the horse reached that night, but owing to the day being wet, and the roads deep, the foot were left at Garstang, a small market town, half way between Lancaster and Preston, with orders to advance next morning. The horse, on entering Preston, finding that two troops of Stanhope's dragoons, which were quartered there, had withdrawn on their approach, were prodigiously elevated, imagining that not any part of his majesty's forces would dare to look them in the face, an illusion that was very

* Patten's History of the Rebellion, pp. 92—94.

† Campbell's Life of John, Duke of Argyle, p. 217.

quickly dispelled. The foot coming up next day, Thursday the tenth, the whole assembled at the market cross, where the chevalier was proclaimed with the usual formalities. Here they were joined by a great many gentlemen, with their tenants and servants, many of them men of influence in the country, but still all papists. Orders were issued for the march to be continued on the Friday, but these orders were countermanded; and next morning, when the order for marching was renewed, information reached them that general Wills was advancing from Wigan to attack them, and was nearly in sight. This was intelligence so very unexpected, that it met at first with no credit, but was speedily confirmed by messengers from all quarters.*

The friends of order and good government had not been inactive, though their exertions were unknown, or, to their own ruin, by the rebels wilfully overlooked. No sooner was it known that they had reached Lancaster, than the loyal inhabitants of Liverpool, together with a great many country people who fled thither, carrying along with them their most valuable effects, took every possible precaution for the safety of that important place. A third part of the avenues of the city were laid under water, and where this could not be done, intrenchments were thrown up, upon which were placed seventy pieces of cannon. The ships in the harbour, too, were all put off from the shore so as to be beyond the reach of the rebels, even though they had gained possession of the town.† Major general Wills, who commanded in Cheshire, was also ordered to draw together what force he could command, and, if possible, to seize upon the passes of Warrington bridge and Preston, to prevent any communication between the rebels and their friends in and about Manchester. For this purpose, he ordered several regiments quartered in Shropshire, Worcestershire, Staffordshire, Cheshire, and the adjacent country, to rendezvous at Warrington bridge on the tenth of the month, when he would put himself at their head. Wills

* Patten's History of the Rebellion, pp. 96, 97.

† Complete History of the Rebellion, p. 70.

arrived in Manchester on the eighth, where he had advices from general Carpenter, stating, that he had the day before left Durham on his way to Lancaster, where the rebels then were; and Wills, in return, sent to acquaint Carpenter of the precise time that he also would be at Lancaster, that their measures might be taken in unison. General Carpenter's coming to Lancaster, however, was prevented by the rebels marching to Preston.

On Friday, November the eleventh, general Wills, with Wynn, Honeywood, Munden, and Dormer's dragoons, and Preston's regiment of foot, set out for Wigan, where Pitt's regiment of horse, and Stanhope's dragoons were in quarters, leaving orders for Newton's dragoons, who were on their march from Worcester to join him, to remain at Manchester, to prevent any movement on the part of the disaffected in that quarter. On his arrival at Wigan, learning that Forster was still at Preston, the general gave orders for his troops to march for that place early next morning, and astonished the rebels, now on their march to Warrington, by meeting them at the bridge of Ribble. A small body of the Highlanders had posted themselves at this bridge, and Forster, at the head of a few horse, performing the part of his own scout, was among the first that descried the approach of the king's troops. Mr. Patten he instantly sent back to the town to notify the circumstance, and gave orders for the necessary preparations, while he himself went to examine a ford in the river, with a view to send out a party to come behind the king's troops and attack them in the rear. He soon found, however, that he had enough to do to defend himself, and the scheme was probably never again thought of.*

The party of foot belonging to the rebels that had taken possession of the bridge of Ribble were picked men of M'Intosh's battalion, one hundred strong, and commanded by colonel John Farquharson of Invercauld, a bold determined man, and an excellent officer, who could easily have defended the bridge till the whole of the rebels had drawn themselves out of the town, but, with the same stupidity or infatuation

* Patten's History of the Rebellion, p. 97.

which had marked all their measures, he was ordered to retreat into the town.* Conduct so extraordinary astonished the king's troops, and led the general to expect the development of some stratagem new and unheard of in the art of war; for he could not conceive of advantages so very obvious being thrown away without the expectation of others far more decisive in return. He, therefore, proceeded with the greatest caution, causing the hedges and fields to be carefully examined, and the way laid completely open for his cavalry. Finding every thing clear, he concluded that they had abandoned Preston with the view of escaping into Scotland by forced marches, which he thought it impossible for them to accomplish; but, learning that they had only retreated into the town, where they were determined to defend themselves to the last, he immediately entered the field on the back of it, and, occupying the enclosures, so disposed of his troops as best to be able to attack the place, and prevent them from sallying out or retreating.

In the meantime, the rebels, not at all discouraged, applied themselves resolutely to the defence of the place, barricading the streets, and posting themselves in the by-lanes, houses, &c. to the best advantage. The gentlemen volunteers were drawn up in the church-yard, under the command of the earl of Derwentwater, viscount Kenmure, and the earls of Nithsdale and Winton. Derwentwater behaved with great resolution. Stripping to the waistcoat he exerted himself among the men, cheering them on, giving them money to cast up trenches, and animating them to a vigorous defence. He also ordered Mr. Patten to bring him regularly an account from all the attacks, and particularly where succours were wanted, which Patten did till his horse was shot under him. The rebels had formed four main barriers, the first a little below the church, which was committed to the care of brigadier

* It was in the lane terminated by this bridge, that, in the year 1648, the Scots, under the ill-fated duke of Hamilton, maintained a desperate conflict with Oliver Cromwell, at the head of the parliamentary forces, for upwards of four hours, when that great commander narrowly escaped losing both his life and his military glory at the same time.—Rushworth's Historical Collections Abridged, vol. vi. p. 468. Burnet's Memoirs, &c. &c.

M'Intosh, and the gentlemen in the church-yard were to see to the support of this barrier in particular. The second, at the end of a lane leading into the fields, was committed to the charge of lord Charles Murray. The third, called the windmill, was under the care of the laird of M'Intosh; and the fourth, on the street leading to Liverpool, was committed to major Miller and captain Douglas.*

General Wills having viewed the disposition of the rebels, and finding all the avenues strongly barricaded, and two pieces of cannon planted on each, resolved to make two attacks, and disposed of his troops accordingly. For the attack of the avenue leading to Wigan, a captain and fifty dragoons, draughted out of each of the five regiments of horse, with a major and lieutenant colonel to command them, were ordered to dismount, and added to Preston's regiment of foot, commanded by lord Forrester their lieutenant colonel, and Honeywood's regiment was ordered to remain on horseback to support them. This attack was led by brigadier Honeyman.

For the attack of the avenue leading to Lancaster, which is on the opposite side of the town to that of Wigan, the regiments of Wynn and Dormer, with a squadron of Stanhope's, were ordered to dismount, under the command of brigadier Dormer. The regiments of Pitt, Munden, and a squadron of Stanhope's, remained on horseback to support this attack, so that the whole troops were employed.

The first attack was made upon the barricade below the church, commanded by brigadier M'Intosh, who received the king's forces with great gallantry, keeping up such a fire from the barricade and the adjoining houses that they were compelled to retreat. Lord Forrester, in the meantime, had entered the avenue that leads to Wigan, and finding it impossible to force the barricade, took possession of two large houses within fifty yards of it. From these houses, one of them especially, which overlooked the whole town, he very much annoyed the rebels. He did not, however, succeed in forcing

* Patten's History of the Rebellion, pp. 100, 101. Campbell's Life of John, Duke of Argyle, p. 220.

the barricade, but he burned the houses between him and it, and threw up breastworks as well to protect his own men as to prevent any of the rebels by that avenue making their escape. In these attacks a number of brave men lost their lives on both sides; but the loss was much greater on the part of the king's troops than on that of the rebels; the former being particularly exposed, and the latter fighting in a great measure under cover. Few persons of note were killed of either party. The principal, on the part of the rebels, were captain Peter Farquharson, Mr. Clifton, brother to Sir Gervase Clifton, and a colonel Burton. The first of these was a gentleman of great spirit and uncommon bravery. Being wounded through the bone of the leg, he endured much torture under the hands of the surgeon. When brought into the White Bull, the house where all the wounded men were carried to be dressed, he called for a glass of brandy, and said, "Come lads, here is our master's health; though I can do no more, I wish you good success." His leg was unskilfully cut off, and he died presently after.* Of the slain among the king's troops the most eminent was major Preston, who was shot through the body a little above the breast, and made prisoner by captain Wogan, who, at the hazard of his own life, saved him from being cut in pieces after he had fallen into the hands of the rebels. "He was a man of great gallantry and composed courage, as was visible by his exposing himself in the danger and in the manner he did, for he was spent in a long languishing consumption, even to a skeleton, and told the rebels, that the wound he had received had only shortened his days two or three months, which, seeing it was in the service of his king and country, he said he far preferred it to the lingering death he expected."† He died in the hands of the rebels.

Though in this first day's strife the royal arms had had rather the worst of it, it afforded no hope for the rebels. During the night, Wills was busily employed in examining the different positions, and gave orders for making a communication between the two divisions of his army that they

* Patten's History of the Rebellion, p. 104.

† Ibid. p. 127.

might, in case of being pushed, support each other, and a trench was thrown up to secure the troops in case of a sally. But the arrival next day, Sabbath the thirteenth, of general Carpenter, with the regiments of Cobham, Molesworth, and Churchhill, and a great many country gentlemen, among whom was the earl of Carlisle, lord Lumley, colonel Darcy, &c. &c. placed the fate of the insurgents beyond all doubt, and left them nothing but despair. Wills, on the arrival of general Carpenter, showed him the dispositions he had made, and, after acquainting him with all that he had done, offered to resign to him the command as his superior officer. Carpenter approved of all that had been done, and refused to take the command, saying, "he had begun the affair so well, that he ought to have the glory of finishing it." Their united counsels, however, and especially the additional force which they had now at command, enabled them to make several new arrangements in the dispositions of their forces, greatly to the disadvantage of the rebels. The horse, having been stationed on one side of the town, in a situation unfavourable for bringing them into action, were drawn off in parties, and stationed where they could be much more effectively employed. Fishersgate, too, which opened into a marsh or meadow, running down to the river Ribble, where there were two good fords, it being the highway towards Liverpool, for the want of a sufficient number of troops had not yet been blocked up, nor any attack made upon the barricade at the upper end of the street, in consequence of which, a number of the rebels had already made their escape—some of them even before the general's face—was now shut up by colonel Pitt, with two squadrons of horse, which effectually prevented any more from escaping, for a few of the more determined, when they perceived that a surrender would be inevitable, attempting to get out this way, fell in among the dragoons, and were instantly cut to pieces.

These dispositions, which completely cut off the insurgents from all possibility of escape, were no sooner understood by them than their spirits failed, and their conduct became much more like that of madmen, than the deliberations of determined and hardy warriors. Instead of cordially con-

certing plans for their defence, or boldly attempting to make good their retreat from a place where they behoved very soon to be overwhelmed by superior numbers, or starved for want of sustenance, they began to pursue different purposes, and to quarrel with one another. The English gentlemen, who had so eagerly urged, and so weakly conducted this most foolish expedition, thought now of nothing but surrendering upon such terms as they could obtain, while the Highlanders, with characteristic barbarity, determined to rush upon the enemy sword in hand, and, dying like heroes, make their lives as costly a purchase to the enemy as possible. In this, however, as they had been in many other cases, they were over-ruled, and were not allowed to stir.*

The gentlemen having resolved upon capitulating, as, indeed, there was little else left for them to do, colonel Oxburgh, an Irish papist, who had been in reality commander-in-chief since they entered England, though Forster was nominally so, offered his services to go out and treat with his majesty's officers, many of whom he pretended were of his special acquaintance, who he believed, or at least affected to make others believe, could not do other than grant him the most favourable terms the circumstances of the case would admit; but, as his mission was without the consent, or even the knowledge of the army, in order to conceal it, the soldiers were told that general Wills had sent to offer them honourable terms if they would lay down their arms, "so blinded," says Patten, "were we with their tory lies to the last—but certain it is that gentleman, [Oxburgh] had his design been known, had never seen Tyburn; for he had been shot dead by the consent of all the common men before he had gone out of the barrier."† Out, however, he did go, and to his mortification, could obtain no better terms than an unconditional surrender, with a promise that they should not immediately be cut in pieces, but reserved till further orders arrived concerning them. This was no very cheering message to carry back to an armed, enraged, despairing, and, of consequence, unruly multitude, but he could obtain no other,

* Patten's History of the Rebellion, p. 112.

† Ibid. p. 113.

nor any longer time than one hour to consider of it. Before the expiration of the hour, captain Dalziel, brother to the earl of Carnwath, went out to endeavour to procure some better terms, at least for the Scots, the greater part of whom were utterly ignorant of what was going on, and had never entertained a thought of surrendering, but he only made matters worse, by satisfying the English general how desperate their situation was, and he gained nothing but a little longer time. About three o'clock in the afternoon, colonel Cotton, with a dragoon, and a drum beating a chamade before them, came up the street from the king's general. The colonel alighted at the sign of the mitre,* where the chief of the rebel commanders were assembled, and told them he came to demand their positive answer. It was told him in reply, that there were disputes between the English and the Scots, that obstructed the unconditional surrender to which the former were willing to submit, but that, if the general would grant them a cessation of arms till the next morning, the terms he had offered would certainly be accepted. After colonel Cotton had been the bearer of several messages, the general agreed to grant them the time desired, provided they threw up no new intrenchments in the streets, nor suffered any of their people to escape, and that they sent out the chief of the English and the Scots as securities for the performance of what they had promised. To this they agreed, and the earl of Derwentwater and brigadier M'Intosh were delivered up as hostages.†

The rage of the common men when they heard how the negotiations had ended, and the consequent confusion in the town was indescribable. One was shot dead, and several wounded, merely for mentioning a surrender; and the general, had he appeared in the streets, would certainly have been

* Colonel Cotton sent this same drum to beat a chamade before the doors of some houses, from which the king's men still continued to fire, to cause them to cease, on account of the cessation that had been agreed to, but the poor fellow was shot dead upon his horse, as he was beating his drum, by some of the rebels who were averse to all thoughts of a surrender—an action that might have subjected them to military execution.

† Rae's History of the Rebellion, p. 322.

torn to pieces. He, indeed, escaped being shot at his own council table only by Mr. Patten striking up the pistol that was fired at him by lord Charles Murray, by which means the ball missing him, went through the wainscot into the wall of the room. By seven o'clock the next morning, however, the confusion being somewhat abated, general Forster sent out to acquaint general Wills that his associates were willing to surrender at discretion as he had demanded. M'Intosh being by, when the message was brought, said, "he could not answer that the Scots would surrender in that manner, for that they were people of desperate fortunes, and that he had been a soldier himself, and knew what it was to be a prisoner at discretion." Upon this the general said, "go back to your people again, and I will attack the town, and the consequence will be, I will not spare one man of you." M'Intosh went back, but came out immediately again, and said that the lord Kenmure and the rest of the noblemen, with his brother, would surrender in like manner with the English.*

The rebels having thus submitted to the king's mercy, colonel Cotton was sent in to take possession of the town, and to disarm the rebels. The generals Carpenter and Wills, at the head of part of the troops, entered the town in form, by the avenue leading to Lancaster; brigadier Honeywood, with the remainder, entered at the opposite end of the town, and, trumpets sounding, drums beating, and colours flying, both parties met at the market-place, where the Highlanders were drawn up in arms, which they immediately surrendered, and were marched into the church under a sufficient guard, the lords, gentlemen, and officers, being previously secured at the inns they had formerly occupied.†

The number of prisoners taken, including the seven lords, gentlemen, officers, &c., was one thousand four hundred and sixty-eight. Among these were two clergymen, Mr. Patten, and Mr. Irvine. Mr. Paul, the Cambridge clerk, having gone off with letters for some of their friends the day general Wills came to Preston, escaped for a time, but was taken at London

* Rae's History of the Rebellion, p. 323. Patten's History of the Rebellion, pp. 117—120.

† Patten's History of the Rebellion, pp. 128, 129.

shortly after; and Mr. Buxton, we have already seen, disappeared in Derbyshire. Of the whole number four hundred and sixty-three were English, and of these seventy-five were noblemen and gentlemen, their followers and servants eighty-three, private men three hundred and five. Of the Scots, one hundred and forty-three were noblemen and gentlemen; their vassals, servants, and others, eight hundred and sixty-two, amounting in all to one thousand and five. In the engagement with the king's troops they had seventeen killed, and twenty-five wounded, and, notwithstanding the vigilance of the king's troops, a great many made their escape from Preston, especially after the capitulation. On the part of his majesty's forces there were wounded two captains, two lieutenants, one cornet, four ensigns, and seventy-two private men. Killed, two captains, one ensign, and fifty-three sergeants and privates, in all one hundred and forty-six men.*

Preston being insufficient to accommodate so many men and horses, general Carpenter sent part of his troops to Wigan that same day, and himself followed the day after, leaving general Wills to bury the dead, and take care of the prisoners, six of whom, viz. lord Charles Murray, a younger son of the duke of Athol, major Nairn, captain Philip Lockhart, brother to George Lockhart of Carnwath, captain John Shaftoe, ensign Erskine, and ensign Dalziel, brother to the earl of Carnwath, were shortly after tried at Preston by a court martial, found guilty, with the exception of ensign Dalziel, and condemned to be shot. Lord Charles Murray, through the interest of his friends, was reprieved for a time, and escaped out of custody. The prisoners of the common sort, with some few of the gentlemen, were disposed of in the castles of Lancaster, Chester, Liverpool, &c. &c. and, for the most part, died by the hands of the executioner, or were sent to the plantations. Those of superior rank were, with a few exceptions, sent to London, and marched to their different prisons with every mark of contumelious indignity. They were particularly insulted by the rabble, that in disorderly crowds marched before them beating a warming-pan, crying

* *Vide* General Wills' deposition at the bar of the house of lords.

out, "no warming-pan bastard." The noblemen, with a few others, were lodged in the tower. Mr. Forster, Mr. M'Intosh, and about seventy more, in Newgate, sixty in the Marshalsea, and seventy-two in the Fleet, where we shall again meet them, along with others in the same unhappy circumstances.

The rebellion was thus entirely annihilated in England, where its principles had been widely disseminated and carefully cherished, and where its leaders hoped to have found the most effectual support. Nor were these hopes altogether without foundation, had not the vigilance and activity of the government been greater, and the alacrity of their friends less than had been calculated upon. At the very moment when the daring attempt of Marr in the north, was expected to have drawn towards that quarter the whole attention of the government, the titular duke of Powis was committed to the tower for high treason; and warrants were at the same time issued, for taking into custody the whole leading men of the faction throughout England, which was happily the means of preserving the peace in many places of the country, and at the same time, the lives and estates of the infatuated individuals. Orders were also issued to his grace the duke of Newcastle, "to put the whole militia within his lieutenancy, the county of Middlesex, into such a posture, as to be in readiness to act at a moment's warning." He accordingly ordered, "that the several deputy lieutenants in their respective divisions and allotments, do take care, that the persons, horses, and arms, of all papists, nonjurors, and others, whom they have just reason to suspect to be disaffected to his majesty's government, be forthwith seized and secured." The deputy lieutenants, accordingly, acted with exemplary vigour and unwearied application, "holding their assemblies during the remaining part of September, and all the month of October, generally once, sometimes twice a day," in which space they apprehended above eight hundred papists and nonjurors, the most dangerous of whom, they committed to the prisons of London and Westminster. Others they admitted to bail, and the less guilty, or more insignificant, they discharged, by which

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means the Jacobites were kept entirely under, and the tranquillity of the metropolis was happily preserved.*

The same orders, as we have already seen, were sent to all the lord lieutenants in England, who, with few exceptions, exerted themselves to the utmost. But the government was well aware, that in several places, the numbers of the disaffected, were too great, and their plans too well laid, to be frustrated by any vigilance that was not seconded by an armed force; and instead of all the regular troops being sent, as the Jacobites fondly hoped, to Scotland, where the rebellion, under the earl of Marr, had assumed such a formidable aspect, they were dispersed over the country, particularly the western counties, where the greatest preparations had been made, and where foreign aid was confidently expected, so as that a considerable number of them could be drawn together, without either loss of time, or extraordinary exertion on their part.† The officers upon half-pay too, were distributed in the same cautious manner, so as to be not only assisting in training the militia, but also in encouraging and directing the gentry, on any sudden emergency.

Bristol and Bath were at this time particularly devoted to the cause of the chevalier. At the latter of these places, his friends had formed a considerable depot of arms and artillery, and they had laid a plot for seizing and converting the former to the same use, though it was garrisoned by a considerable body of troops. Bristol, however, was secured, in consequence of a judicious movement, by the earl of Berkeley; and general Wade unexpectedly entered Bath, where he seized a number of the conspirators, whom he sent prisoners to London. Two hundred horses, which they had provided, also fell into his hands, together with eleven chests of fire-arms, a hogshhead of swords, and another of cartouches, three pieces of cannon, one mortar, and a number of articles that were mistaken for mortar and cannon moulds, which it was supposed, they had procured for the purpose of casting cannon and mortars. These

* Complete History of the Rebellion, p. 30

† Parker's Military Memoirs, p. 268.

moulds, however, were afterwards restored, as they were said to belong to some mills for brass founding, that were building in the neighbourhood.*

Oxford, which, though reckoned the right eye of England, was at this time, sadly darkened by the films of legitimacy, received also an unexpected visit from general Pepper, who, with a regiment of dragoons, was despatched in quest of colonel Owen—who had enlisted a complete regiment, composed of students, for the service of the pretender—and some broken officers and papists, who had taken refuge there, and were meditating an insurrection in favour of their Jacobite brethren of Bath and Bristol. General Pepper took every possible precaution, to come upon the Oxonians unawares. He first directed his march towards Bath, but after nightfall turned in upon Oxford, where he arrived just as the gates were opened in the morning. All the avenues to the city he secured, and all the public houses of note, after which, he sent for the mayor of the city, and the vice-chancellor of the university, who promised to assist him in the object of his mission. Upon the alarm being given, however, colonel Owen made his escape, by leaping over a garden wall; but a number of his associates, several of whom were afterwards executed at Tyburn, were secured, and, among others, one who pretended to be a postman, in the lining of whose coat were found letters he had just brought from the Bristol and Bath conspirators. Two fine horses with rich furniture belonging to colonel Owen, and which had formerly been the property of the duke of Ormond, were also secured by the general, with the horses and warlike accoutrements of several other officers. He had scarcely left the town, however, when a new scene of rioting commenced, in which the chevalier was proclaimed at the market-place, on the twenty-seventh of October; but it was done in the dark, and amidst a crowd, so that it was not discovered who had done it. A regiment of foot, was, therefore, sent to quarter at Oxford, and there was, for a time, a pause in its zeal for James.†

* Rae's History of the Rebellion, p. 216.

† Parker's Military Memoirs, p. 267. Rae's History of the Rebellion, pp. 246, 247.

It was from these, and other quarters of less notoriety, that the many thousands were expected, by the promise of which the English gentlemen decoyed the Scots out of their own country, and it was in consequence of these vigorous measures on the part of government, that both were so completely disappointed. Want of talent was, indeed, conspicuous in the leaders of this confederacy, from the lowest to the highest of them; yet this want of talent was not discovered in the route they pursued, but in the manner they pursued it. England, sooner or later, they must have entered in order to carry out their plan; a great part of it too they behoved to conquer before their scheme could be completed, and they were much likelier to do this by bringing up the whole strength of their friends at once, than by a protracted warfare. The march back into Scotland, proposed by lord Winton, and so strenuously supported by brigadier M^cIntosh, which has been lavishly commended for its wisdom by the most of those who have narrated the events of that period, though it might have protracted, could not have altered their fate. The pretence of joining Marr, could have concealed neither from their friends nor their enemies, that they were in reality retreating, which must have paralyzed the former, and greatly invigorated the latter. In short, considering that they knew their friends to be on the eve of rising generally through England, or rather, that they believed them to be already risen, it would have been the most palpable folly, not to say treachery, and a flying from fortune, when she was prepared to shower down the fruit of all their wishes upon them, and this without any certainty that they should accomplish what was intended by their retreating. They were, in a great measure, destitute of supplies, and they had the counties of Dumfries, Ayr, Lanark, and Renfrew before them, populous counties to be sure, but that population hostile to them and their cause, almost to a man; while general Carpenter, with an army, composed of regular troops, nearly as numerous as their own, was so close upon their heels, that they could have engaged in no action of any consequence without having him upon their rear. They could not have reached the earl of Marr's camp, or come in contact with Argyle, but they must have brought general Carpenter along with them, and, from the spirit of the country

they had to pass through, and the preparations that had been there made, with a force double to their own. Nor did Marr want their aid in any such form. He had already more men than he could easily find sustenance for, or employ to any useful purpose. He was perfectly aware of the importance of a rising in England, without which, that of Scotland behoved in the end to be worse than in vain. To promote that rising, he had parted with the very flower of his army, and to prevent them from meeting with any interruption, while their new born energies were only developing themselves, he had made much noise, and almost every possible demonstration, save that of coming into actual contact with Argyle—of which he appears to have had a kind of prophetic dread—that the most fertile brain could have suggested; and there was wisdom in so doing. Indeed, this is the only part of his conduct that appears marked by common sense. Instead of sending M'Intosh with a part, had he himself dashed across the Forth with his whole army, which there was nothing to prevent him from doing, but the suggestions of his own timidity, taken Edinburgh by the way, which would scarcely have retarded his march, and burst into the heart of England with his twelve or sixteen thousand followers, he might have found himself master of the kingdom sooner than he was able to believe it. The zeal of the English Tories, which Forster acknowledged was high enough in the evening, would not have ebbed so wofully in the morning, had they seen any probability of being supported; and, covered by such an army, their numbers would probably have been found much more overwhelming than has ever yet been suspected. But it was ignorance and perverse imbecility which lost the throne to the Stuarts at first, and the same ignorance, and the same imbecility, marred all their attempts to regain it. From a variety of causes, but chiefly because among her rude and tyrannical chieftains, they still found some to sympathize with their ideas of darling prerogative, they clung particularly to Scotland, where the hope of favour, or the expectation of plunder, could at any time bring a number of barbarian hordes into the field; but they entirely overlooked, or rather did not comprehend the total change that had taken place in her relative circumstances, in consequence of which, her political in-

fluence was nearly annihilated. Marr, was now in possession of the greater part of that ancient kingdom, which he held for James, but he was just as near his purpose, the conquest of Britain, as he would have been to the life of his enemy, by cutting off a lock of his hair, which will be evinced by the events which we have now to relate.

We left the rival dukes carrying on a war of manifestoes, which, as Mr. Freebairn, his majesty's printer in Edinburgh, had now retired to Perth, where he had set up printer for James, Marr was able to carry on with great ease, and at very little expense. He had also sent colonel Hay and Dr. Abercromby* on an express to the pretender, and was intending to maintain himself at Perth till their return, for which purpose he was casting up additional intrenchments, and fortifying the bridge of Earn; and to keep up the spirit of his partisans, he employed Mr. Freebairn to print, from time to time, news from the armies, which, as they were of his own manufacture, were sufficiently flattering. In one of these fictitious narratives, he informed the people that the detachment sent across the Forth, had "joined his and the king's friends in the south, where they were masters of Newcastle, and were carrying every thing before them, while in and about London, the king's friends had taken arms in such numbers, that king George had been fain to retire out of the country."† With such monstrous fables were his infatuated followers drawn on to their ruin.

Provisions, in the meantime, were becoming difficult to be procured, both at Stirling and Perth, and the duke of Argyle, perfectly informed of all the movements of the rebels in the south, in case any portion of them should attempt to join Marr by the heads of the Forth, ordered a detachment of dragoons, and a battalion of foot to Kilsyth, and two hundred dragoons to Falkirk, where they could be easier found in provisions, and, in case of the rebels escaping by that route from general Carpenter, would be in the way to impede their progress. He also, on the twenty-second of October, sent off

* Author of the book entitled "Martial Achievements of the Scottish Nation."

† Rae's History of the Rebellion, p. 297

brigadier Grant's regiment to the castle of Edinburgh, where the magistrates, for their better security, had ordered twenty pieces of cannon to be placed on the several bastions of the city walls; and on the twenty-third, having received advice that a party of the rebels, consisting of two hundred foot, and one hundred horse, were on their march by the way of castle Campbell, towards Dunfermline, he sent off a detachment of dragoons, under the command of the honourable colonel Cathcart, who came up with them on Monday the twenty-fourth, at five o'clock in the morning, killed and wounded several of them, and took seventeen prisoners, among whom were the following gentlemen—Mr. Murray, brother to Abercarnie, Mr. Hay, son to Arbroath, Mr. Patrick Gordon, younger of Aberlour, Alexander Forbes, son to the laird of Bauffie, Mr. Robertson, brother to Donshils, Mr. Kinloch, a physician, Alexander Smith, belonging to the family of M'Intosh, Dr. Alexander Gordon, Francis Gordon of Craig, Mr. Hamilton of Gibstone, in Strathbogie, and George Gordon of the mill of Kincardine. Colonel Cathcart returned to the camp at Stirling, with his prisoners the same evening, having accomplished the object of his journey, with the trifling damage of one dragoon wounded in the cheek, and one horse hurt.*

Marr was now beginning to feel the difficulties of his situation. His friends had done what they could, or, at least, what they were willing to do, and the district which he occupied, was already in a great measure exhausted. A new field, and a wider scene of action was become necessary, both to supply and to occupy the numerous hordes he had assembled around him, which, if he did not obtain for them, he knew they could not long be held together. Accordingly, at Perth, November the ninth, he called a council of all the chiefs, where it was determined to cross the Forth with the utmost celerity. After having disposed of three thousand of their troops in garrisons at Dundee, Bruntisland, and other places along the coast of Fife, they found themselves still masters of twelve thousand effective men, which they proposed to divide into four divisions.

* Life of John, Duke of Argyle, p. 187. Rae's History of the Rebellion, pp. 294, 295.

With one division consisting of a thousand men, they proposed to attack the long causey leading to the bridge of Stirling, and to lodge themselves safe from the cannon of the castle, in and about the houses and barnyards, as if they intended to force the bridge. With a second division, consisting of an equal number, they proposed another attack at the Abbey-ford, a mile below Stirling bridge; and with a third division, consisting also of a thousand men, to make another attack at the Drip-Coble, a mile and a half above the bridge. These three attacks, they supposed would amply employ the duke of Argyle, whose force scarcely amounted to three thousand men; and, in the meantime, their main body, consisting of nine thousand men, was to cross the river a little farther up without being discovered, and without a moment's loss of time push on to England, leaving the three thousand employed at Stirling to follow at their leisure, so soon as they had disposed of Argyle; or, in case of the duke abandoning Stirling, and attacking the main body after having passed the Forth, they were to force themselves into the town of Stirling, and press upon him in the rear.* Argyle, however, who had learned under the duke of Marlborough one special part of a general's duty, that of being always certain of the situation of his adversary, was perfectly acquainted with all that passed in his rival's camp, and even in his councils, and took his measures accordingly. Aware, that if the rebels reached the banks of the Forth, he would fight them to great disadvantage, as, from the nature of the ground, he would be deprived of the use of his cavalry, upon which he placed his principal dependance, he resolved to take up a position in advance of that river, and, for this purpose, gave orders to his little army, which amounted to scarcely three thousand effective regular troops, made up of eight small battalions of foot, and five regiments of dragoons, to hold themselves in readiness to march next day. Accordingly, his grace, having appointed the earl of Buchan, with the Stirlingshire militia, and the Glasgow regiment, to guard the town of Stirling, commenced his march to the north, on the morning of Saturday the twelfth, and in the afternoon,

* Rae's History of the Rebellion, p. 299.

encamped on a rising ground, having on his right the Sheriff-muir, and on his left the town of Dunblane.

Previously to this, Marr, acting up to the resolutions of his council, committed the town of Perth to the care of colonel Balfour, and marched on the tenth of November, to Auchtermarder, accompanied by two thousand three hundred horse, and five thousand foot. He was next day joined by general Gordon, with the clans, amounting to one hundred horse, and three thousand foot, which swelled his force to ten thousand four hundred effective men. The eleventh was devoted to resting the troops, fixing the order of battle, with the order of marching, &c.; and on the twelfth, general Gordon, and brigadier Ogilvie, with eight squadrons of horse, and all the clans, were ordered to advance and occupy Dunblane. The remainder of the rebel army had orders to parade very early on the muir of Tulhiebardine, and thence to march after general Gordon. The earl of Marr having gone to castle Drummond to meet with the earl of Braidalbine, this part of the army was left to the care of general Hamilton, who, upon the march, received an express from general Gordon that the royal army was in great force at Dunblane, upon which he made a halt, and drew up in order of battle on the site of the Roman camp, near Ardoch, and sent an express to the earl of Marr, who shortly after joined him; but hearing nothing further from general Gordon, who was gone on before, he supposed it to be only some small party sent out to incommode their march. He ordered, however, guards to be posted, and the army to take up quarters, with orders to parade at any time of the night when they should hear the report of three cannon, which were to be fired as a signal in case of the approach of an enemy.*

Scarcely had these orders been issued, when an express from general Gordon, certified the earl of Marr, that the duke of Argyle was at Dunblane with his whole army; when the general was ordered to halt, the three guns to be fired, and the army to be formed in order of battle, which was instantly done upon the muir of Kinbuck, where they lay under arms all

* Raw's History of the Rebellion, p. 101.

night, and early next morning were formed with their front towards Dunblane.

His grace, the duke of Argyle, was informed before leaving Stirling, that the rebels were come to Auchterarder with their baggage, artillery, and a sufficient quantity of bread to serve for a march of several days, and his intelligence of all their motions was so certain, that he was aware that their watch-guns would be heard before his army had finished their encampment, which was exactly in the order, in which, if opportunity offered, he intended to attack the enemy next morning; of course, no tent was pitched, either by officer or soldier, but the officers without distinction were ordered to their several posts, and the soldiers to lie close upon their arms all night. The night was extremely severe, and the whole army was without tent or cover of any kind, the duke himself excepted, who sat upon straw in a sheep-cote, at the foot of the hill, on the right of his army. About midnight, his grace, having from his spies learned the posture of the enemy, ordered the commanding officer of the artillery to distribute as much ammunition to the troops, as, with the twenty-four round already served out, would make thirty to each man, which was done accordingly about two o'clock in the morning.

Though the muir of Kinbuck, where the rebels lay, was not more than two miles distant, yet, by reason of the hills and broken ground between them, they were not in view of the royal army. His grace, of course, ordered his army to form, on the morning of Sabbath the thirteenth, exactly as they had been encamped, judging it impossible for the enemy to carry their artillery any other way than that which he had already anticipated. At the same time, he rode up with some other general officers to the top of the hill, where the advanced guard was posted, to reconnoitre the rebel army, which consisted, though there had been a great desertion from it since leaving Auchterarder, still of better than nine thousand men, drawn up in the following order. The first line was composed of ten battalions of foot, comprising the clans under Clanranald, Glen-



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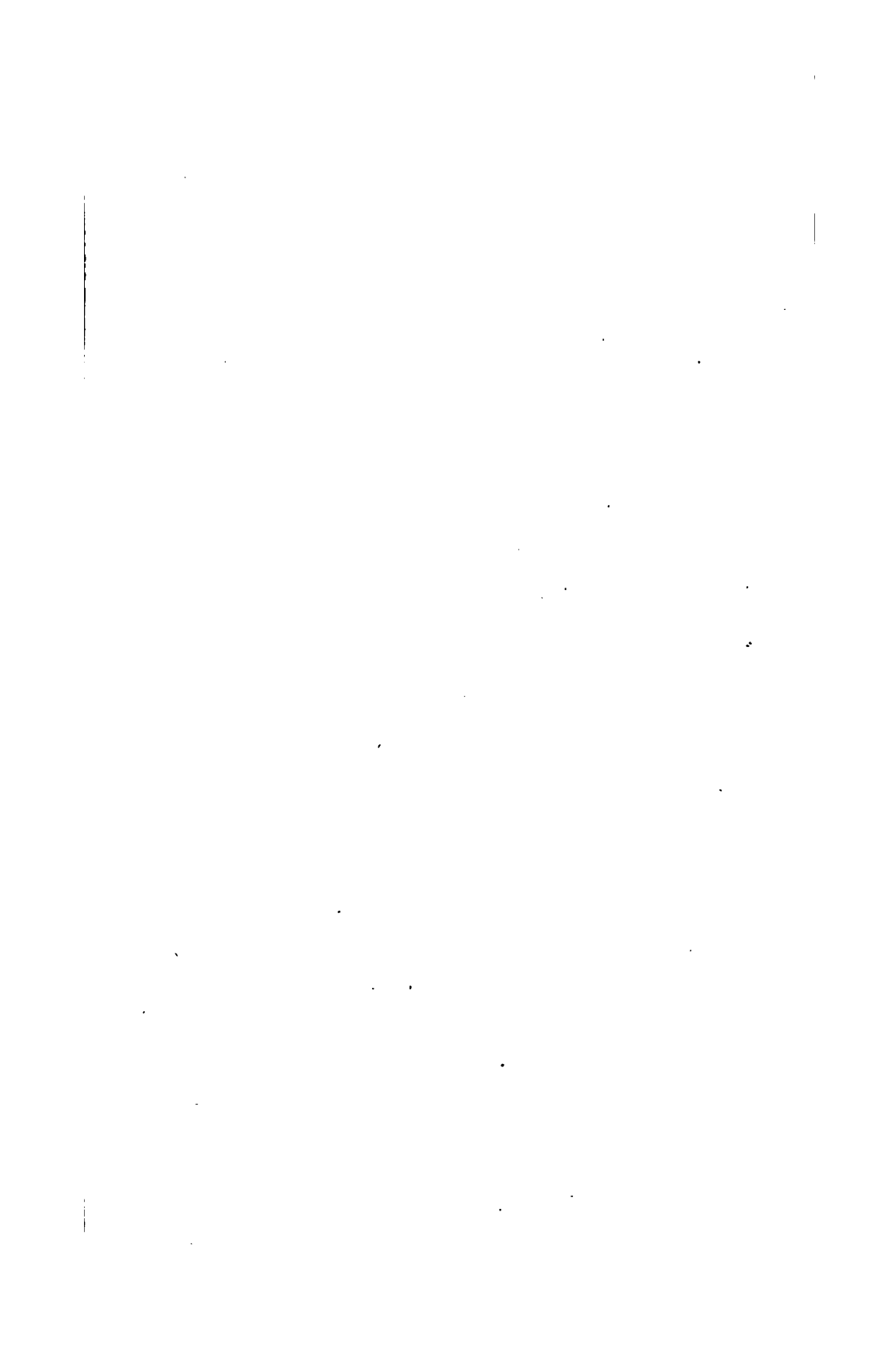
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JOHN CAMPBELL,
DUKE OF ARGYLL & GREENWICH.

Engraved by W. Page,

From a Painting by Atkman.



gary, Sir John Maclean, and Campbell of Glenlyon; on the right there were three squadrons of horse, viz. the Stirling squadron, which carried the standard of the pretender, and two of the marquis of Huntly's; on the left, were drawn up the Perthshire and Fifeshire squadrons. The second line was composed of three battalions of the earl of Seaforth's, two battalions of the marquis of Huntly's, the battalions of the earl of Panmure, marquis of Tullibardine, lord Drummond, and Strowan, all commanded by their respective chieftains, except Drummond's, which was commanded by Strathallan, and Logie-Almond; the earl Marischal's squadron was on the right, and that of Angus, on the left of this line. Of their left, his grace had a tolerable view, but their right lay concealed in a hollow, and being masters of the brow of the hill, the length of their lines he was unable to ascertain.

In the meanwhile, Marr held another council of war, consisting of all the noblemen, gentlemen, general officers, and heads of the clans, where it was voted to fight the enemy, though severals pressed their returning to Perth, and there resting till the spring.

After having observed their motions for some hours, without being able to comprehend their designs, or determine his own mode of attack, Argyle at last perceived, that some of their advanced guards turned suddenly, fronting towards the height of the muir where he stood, and that while their right attacked him in front, their left intended to take him in flank, the severity of the frost having rendered the ground, which the preceding evening was a sufficient security against any such movement, perfectly passable. In consequence of this circumstance, a change in the disposition of the royal army became necessary, to effect which, his grace came down from the hill about eleven o'clock; but notwithstanding the strict orders that had been issued the night before, that no one should stir from his arms, it was mid-day before the officers could put their divisions in marching order; and, being informed by his spies from the enemy's camp, that the whole body of the rebels was to attack him on the low ground in front, he resolved to wait for them there, as the most effectual way to prevent their

attempt on Dunblane. Observing, however, that the rebels, though they seemed at first upon a full march to meet him on the low ground, wheeled all at once up the hill towards the right of his position, he directed his troops to face about to the right in the following order: viz. the first line, six battalions of foot in the centre, with three squadrons of dragoons on the right, and the same number upon the left. The second line was composed of two battalions of foot in the centre, one squadron of dragoons on the right, another on the left, and one squadron of dragoons behind each wing of the horse. In the first line, the duke himself commanded on the right, general Witham on the left, and general Wightman in the centre. Having made these dispositions, Argyle moved up the west side of the hill, to gain the height before the enemy should attack him. Scarcely had he cleared the narrow plain on the top of the hill, and advanced about half a mile straight east, when he fell in with the rebels—who after leaving their lines, had fallen into disorder while ascending the other though more sloping side of the hill, and were now forming themselves into battle array, their battalions at due distances, and their colours displayed. He was there hedged in with the steep and stony hill of Kippendavie close to his rear, and the enemy within pistol-shot of his front. He formed, however, almost instantly, the five squadrons of horse, and four regiments of foot on the right, who had been put into a little disorder by the ascent of the hill, and some marsh ground not yet rendered solid by the frost, but the other four regiments of foot, and five squadrons of horse on the left, commanded by general Witham, coming last into the field, and being put in some disorder by changing their ground, were longer in being formed.

The right of the royal army, and the left of the rebels, being as we have said, within pistol-shot at their first interview, were instantly engaged. The Highlanders began the action with all their accustomed ardour, and their fire was little, if at all inferior to that of the best disciplined troops; but colonel Cathcart being ordered to stretch to the right, and take them in flank, a movement which he executed in the most gallant manner, gave an immediate and decisive turn to the contest on that part of

the field, the left wing of the first line, and the whole second line of the rebels, being totally routed in less than half an hour, the duke pursuing them, though amounting to upwards of five thousand men, with only five squadrons of horse, as far as the river Allan. General Wightman with three battalions of foot, advanced as fast as he possibly could to support him. They made, however, so many attempts to rally; and of course, stood so many repeated attacks, that before they were driven beyond that river, a distance of about three miles, as many hours had elapsed, and when by crossing it, the rebels were so completely broken as to be beyond the hope of recovering themselves, and the duke had resolved to pursue them as long as the light of day permitted, he was suddenly recalled by the circumstances of there being no appearance of the division of his army, that acted under the command of general Witham, and a large body of the rebels being strongly posted behind him. Witham's division in advancing, had unfortunately come unawares upon a body of Marr's foot, that lay concealed in a hollow way, full in their front, while a party of horse on their left were ready to take them in flank. In this situation, the foot were attacked, before they could be formed, by a party of Braidalbine's men, supported by the clans, a great number of them cut to pieces, and the remainder driven in among their own cavalry, whom they likewise threw into confusion, and had the cavalry of the rebels upon the right, fallen in at the same time, that part of the royal army had been cut off to a man. Happily there was not among the rebel commanders as much skill or experience as to take advantage of the circumstance, and the broken battalions were brought off with much less loss than might have been expected; but finding themselves cut off from the other part of the army under Argyle, and unable to keep the field against the superior numbers with which they had to contend, they retired slowly towards Dunblane, and thence to Cornstown, at the end of the long causeway that leads to the bridge of Stirling, where they arrived about three o'clock in the afternoon. Here they pretended to take post for defending the road to Stirling, though had the rebels had as much common sense as to, have pursued them, Stirling itself would scarcely have been a post sufficiently strong to have induced them to undertake its defence.

The right of the rebels, which had remained all this time inactive, seeing now, by the retreat of the left of the royal army, the field empty, joined the clans, who had defeated and driven it off, and crossing the field of battle to the number of four thousand men, ascended the hill of Kippendavie, where they stood with drawn swords, without attempting any thing, for upwards of four hours, to the astonishment of the king's troops, who, for an hour and a half, were retreating round the foot of the hill, and so near them, that they could not have so much as tumbled down a stone, or fired a pistol, without killing some of them. This inactivity on the part of the rebels, has been variously accounted for. It has been supposed, that from the nature of the ground, they were unacquainted with the real state of the army; but finding their left defeated, took the troops that retreated so closely by them at the bottom of the hill, for an ambuscade, intended to draw them down from their advantageous position. By others, it has been attributed to want of cordiality among the rebel commanders, Glengary refusing again to engage with his people, from chagrin at the previous inactivity of some of his coadjutors.* Whatever was the motive for that inactivity, it was the salvation of the royal army, which otherwise, might have been totally annihilated. Argyle, when he was apprized by general Wightman of his situation, instantly wheeled round, halted and formed the men he had, scarcely one thousand, the Greys on the right, Evans's on the left, the squadron of Stair's next them, and the foot in the centre, and advanced towards the enemy, four thousand strong, as we have already stated, encamped on the hill of Kippendavie. At the foot of the hill, he took post behind some fold-dykes, and waited for the rebels to descend the hill to the attack. In place of attacking him, the rebels, however, drew off their rear ranks to the right, and moved towards Ardoch, when finding his army too fatigued to attack them, Argyle proceeded to Dunblane, to which place he recalled general Witham, and the army lay

* Among the causes which the rebels assigned for their misfortune, was the conduct of Rob Roy, who, in the absence of his brother, commanded the Macgregors, and on the day of battle, kept aloof, waiting only for an opportunity to plunder. *Campbell's Life of John, Duke of Argyle*, p. 205.

on their arms all night, expecting to renew the combat next day.”*

Next morning, Monday the fourteenth, Argyle went at break of day with the piquet guard to the field of battle, in order to view the enemy, and finding them gone, left the piquet on the place under colonel Kerr, and returned to Dunblane, whence he immediately marched the army to Stirling, with fourteen of the enemy's colours and standards, among which, was the royal standard, called the restoration, six pieces of cannon, four waggons, and a great number of prisoners. The number of the rebels slain in the action, has been variously reported from five to eight hundred. Amongst them were the earl of Strathmore, Clanronald, and several other persons of distinction. Panmure, and Drummond of Loggie, were among the wounded.

On the part of the royal army, there were slain two hundred and ninety; wounded, one hundred and eighty-seven; taken prisoners, one hundred and thirty-three, making a total of six hundred and ten. Among the wounded, was the lord Forfar, who was shot through the knee, and received sixteen other wounds, of which he died at Stirling, on the eighth of December following, the earl of Ilay, who received a ball in his side; general Evans, who received a sword cut in the head, general Hawley, who was shot through the body, and among the volunteers, Mr. Charles Cockburn, son to the lord justice clerk, who was shot through the arm. Colonel Hammers, and captain Armstrong, aid de camp to the duke of Argyle, were killed.†

Though this battle reflected no credit upon either of the commanders, and was in itself, to all appearance, as far from being decisive as any battle that history has recorded, yet it was followed by consequences, that do not always wait upon victories of the most splendid character. Indeed, with some collateral events, it may truly be said to have broken the heart of the rebellion; for from that day the rebels never dared to face the troops that were opposed to them, and, for any thing that was afterwards done, they might as well have separated

* Rae's History of the Rebellion, p. 308. Life of John, Duke of Argyle, pp. 191, 192. Patten's History of the Rebellion, p. 186.

† Rae's History of the Rebellion, pp. 309, 310.

next day, and, each consulting his own safety, made the best of his way to the privacy of his own home, or, if a more conspicuous delinquent, to the more certain obscurity of a foreign land. It is, however, often the misfortune of weak minds, that, though unfit for action, they are unwilling to be at rest. Marr might now have been perfectly satisfied that he was incompetent to the task he had undertaken. Determined, however, still to keep up the delusion he had spread among his unhappy countrymen, and, if possible, to draw a few more of them into ruin, by espousing a cause that was never very promising, but was now desperate, he caused to be issued from the press of the pretender's printer, Mr. Freebairn, at Perth, the day after the battle, An account of the great and signal victory obtained over the duke of Argyle by his *majesty's* forces, commanded by the duke of Marr, wherein it was stated, that general Hamilton pursued the forces commanded by Argyle to Stirling, and had taken possession of the bridge leading into that town, with all their artillery, baggage, tents, and ammunition—That their own left retired regularly to the river Allan, where a corps de reserve had been stationed, in which was his majesty, [the pretender] his grace the duke of Ormond, and the duke of Marr, with most of our ancient nobility—That Argyle, with only two regiments, was surrounded in Dunblane with the dukes of Roxburgh and Douglas, the earls of Haddington, Loudon, Lauderdale, Belhaven, and Rothes, and that it was impossible they could escape being cut to pieces, Marr being on the one side, Gordon on the other, and Hamilton in possession of the bridge of Stirling, while almost all Argyle's regular troops were cut off; and, to complete this specimen of falsehood and folly, Marr himself being returned to Perth, on Wednesday the sixteenth—whence he had, under an almost necessity for so doing, marched only the week before, and where his difficulties were now certain to be greater than ever—caused thanksgiving sermons to be preached, and *Te Deum* sung in the great church there for his signal victory; while the evening was concluded with ringing of bells, and all the other usual demonstrations of public joy.*

* Rae's History of the Rebellion, p. 510, 511.

Nothing could be less appropriate than this rejoicing on the part of the earl of Marr, for few persons ever met in one day so many disasters. At the very moment that he was losing himself, by the imbecility of his conduct, on the hill of Kippendavie, his friends in Preston were treating for an unconditional surrender, and Inverness, the capital and key of the Highlands, was wrested from his coadjutors by the friends of the government in that quarter, only the day preceding. M'Intosh, as we have seen, finding this town without a garrison, seized upon it, proclaimed the pretender, and left it to the care of Mackenzie of Coul, about the middle of September. Proceeding on his way south, he came to the house of Culloden, and demanded what arms and ammunition the family were possessed of. Culloden himself being then at London, his lady, a daughter of Gordon of Gordonstown, told him that her husband had left her the keys of the house, with the custody of all that was in it, and she would deliver them up to no one but himself. The house she immediately put into a posture of defence, but she was unable to prevent M'Intosh from plundering her tenants. Colonel Monro of Fowlis informed of her situation, instantly armed two hundred of his people, and advanced to her assistance as far as the water of Conon, where he found that Seaforth and an army of fifteen hundred men were ready to dispute the passage with him. Learning, at the same time, that Seaforth had forbidden M'Intosh to molest the house of Culloden, he returned home.

On the twenty-sixth, Seaforth sent Alexander M'Kenzie of Davachmaluach with a message to Sir Robert Monro of Fowlis, importing that he was now about to execute what he had so long determined, viz. to set king James upon the throne, matters being now so ripe that it would be executed without stroke of sword! He, therefore, required Sir Robert to deliver up what arms and ammunition he had by him, as he tendered his own safety. An answer of defiance was returned, and the house of Fowlis strongly garrisoned. Next day, his followers, to the number of four hundred, under the command of his son, colonel Robert Monro, marched to the bridge of Alness, where they pitched a camp, and were joined the day following by Hugh Ross of Brealangwell, chamberlain

to lady Anne Ross of Ballinagouan, with one hundred and eighty of her tenants. The earl of Sutherland arrived at Dunrobin on the twenty-eighth, and, on the sixth of October, along with the lords Strathnaver and Rae, joined the camp at Alness, where there was now an effective force of twelve hundred men, which they considered perfectly competent to defend their country from the attacks of Seaforth, and even to prevent him from joining the earl of Marr at Perth. But Seaforth was, at the same time, joined by Sir Donald M'Donald, with about seven hundred of his own clan, and a great many other clans whom he had picked up on his way from the Isle of Skye, viz. the Mackinnons, the M'Craws, and the Chisholms of Strathglass, by which his camp was swelled to nearly three thousand men. This accession of strength enabled Seaforth to possess himself of the camp at Alness, from which the earl of Sutherland found it necessary to retreat on the ninth, though Duncan Forbes, afterward lord president, had despatched captain Grant with a considerable re-enforcement to his assistance.*

During their stay at Alness, Seaforth and Sir Donald Macdonald most miserably harassed the country, robbing the poor people without mercy of all their cattle and moveables, they even went the length of stripping the women of their body clothes. His stay, however, was but short, Marr having sent message upon message, pressing his immediate attendance at Perth, for which city he, with his followers, took the route by Inverness, where they quartered two days, and were joined by three hundred of the Frazers, under Alexander M'Kenzie of Frazerdale, who, in the absence of lord Lovat, presumed to be the head of the Frazers, as we have already seen. Here, however, several of those brought from Alness deserted. Taking leave of Sir John M'Kenzie of Coul with the garrison of Inverness on the twenty-fourth of October, they took their route for Perth through Strathspey, where the Grants, apprized of their coming, assembled for the defence of their own territory, and, though Seaforth and M'Donald's forces nearly tripled the Grants, they did not

* Rae's History of the Rebellion, pp. 328, 328.

venture to attack them, only they demanded one hundred cows, and one hundred bolls of oatmeal, for which they proffered ready money, which was refused, and they passed on without offering them any injury. They afterward changed their course, and marched to Badenoch, where they quartered themselves for several days upon their friends, and levied provisions, which they were greatly in want of, from the country. They then proceeded to Perth, as already noticed.

Seaforth was no sooner gone, than the earl of Sutherland, finding the communication between him and his friends open, called a meeting of all the deputy lieutenants of Ross and Moray, by whom it was agreed to send Alexander Gordon of Ardoch to London by the Queensborough man of war, to represent the state of the country, and request a supply of arms. This mission Ardoch successfully accomplished, and in a short time returned, bringing along with him one thousand stand of arms.*

Simon Frazer, lord Lovat, returning at this time from a long exile to claim his estates, and the chieftainship of the Frazers, began his new career by leaguings with the Grants for the recovery of Inverness from the rebels. Culloden and his brother, Duncan Forbes, with Rose of Kilravock, were also consulted by him on this occasion, after which he went home, and was waited upon by a number of the Frazers, with whom, in a few days, he marched for Stratherrick, and by the way compelled the clan Chattan, then in arms on the water of Nairn, and going to support the garrison of Inverness, to disperse, and lay down their arms. M'Donald of Keppoch, too, who, for the same purpose, had three hundred men assembled in the braes of Abertarf, dispersed them the moment he was apprized of Lovat's approach. In Stratherrick, he was waited upon by Frazer of Foyers, and Frazer of Culduthill, with their followers, and, to prevent any of the M'Donalds reaching the other side of Lochness, he crossed over at Bonah with two hundred chosen men, and, according to agreement, marched towards Inverness by Kinmayles. In the meantime, colonel

* Rae's History of the Rebellion, p. 333.

Grant, with a number of his own, Elcheiz's, and Knockandow's men, captain George Grant, with three hundred Grants, and all the other gentlemen engaged in the enterprise, were marching in the same direction.

The plan proposed was, that the Moray gentlemen, in conjunction with lord Lovat and the Grants, should set upon Inverness on the south side of the Moray Frith, while the earl of Sutherland, lord Rae, the Monroes, and the Rosses, should attack it on the north;* but these latter gentlemen, having, some of them, forty and fifty miles to march by land, besides crossing several ferries, it was not deemed expedient to wait for them, but despatching captain Arthur Rose, brother to Kilravock, with a detachment to enter the town, those that had already come up, proceeded to invest it on all sides. Lord Lovat stationed his detachment at the west end of the bridge, captain Grant was stationed on the south side, to enter by Castle Street, and the Moray lieutenants, Kilravock, Lethem, Brodie, Sir Archibald Campbell, and Dunphail, were to attack the east port. The attack by captain Rose was led on with great spirit, but that gentleman pressing on in front of his men was unfortunately killed. Sir John M'Kenzie, seeing himself about to be attacked on all sides, made his escape across the Frith in boats, which, but a few days before, he had been determined to destroy, to prevent any communication with friends on either side. This was on Saturday, November the twelfth, the day previous to the battle of Sheriffmuir, and the surrender of Preston.†

The earl of Sutherland arrived shortly after with his men at Inverness, and having obtained twelve or fourteen pieces of cannon from a ship in the Frith, planted them upon the castle. Lord Lovat also found means to inform the three hundred men belonging to his clan, that were serving in the camp at Perth under Frazerdale, of his return, when they marched off as one man to attend their chieftain at Inverness, where colonel

* These gentlemen were to furnish as many men each as possible, and those who could not furnish men, were to furnish oatmeal, which was to be deposited in the garnel of Invergordon, and thence transported by sea to Inverness.

† Rae's History of the Rebellion, pp. 333, 334.

Munro now occupied the castle as governor, while the Frazers under Lovat, the Grants, and the retainers of the Moray gentlemen, guarded the other parts of the town.

This place they now considered to be sufficiently garrisoned, and how that garrison was to be sustained, was the next object of their attention. The result of their deliberations upon this subject, was the marching of the earl of Sutherland on Saturday the nineteenth of November, with his own and lord Rae's men, the Rosses, and a detachment of the Monroes, whom he had left on the other side of the Frith, into the lands of the M'Kenzies, and levying a contribution on all those gentlemen, who had sent their tenants to the camp of the rebels at Perth, equal to the six weeks' provision they would have been entitled by law to have provided these men, had they been in the service of the government, with which in eight days he returned, bringing his whole army with him into Inverness. Making another excursion of the same sort, through the counties of Moray and Nairn, in the beginning of December, he was entreated by the deputy lieutenants of Banff, to cross the Spey, reduce the lower end of the county, and thence proceed to the relief of their friends in Aberdeenshire, where numbers were anxiously waiting to join his majesty's forces; but he judged it more expedient to secure the safety of Inverness, which was again in hazard of being attacked by the rebels, who were gathering together, after their return from Sheriffmuir. The Grants being allowed to go home, the earl of Sutherland and lord Rae marched back to Inverness with their men, while lord Lovat, Kilravock, and Sir Archibald Campbell of Clunies, with a force of six hundred men, remained at Elgin, till they had collected the requisitions which had been there made for the maintenance of the troops.

As the formation of the camp at Alness, and the zeal of his majesty's friends in the north, had withheld Seaforth and his accomplices a considerable time from joining the earl of Marr, who had not courage to attempt to pass the Forth without them; so this success in reducing Inverness, and subjugating the country round it, compelled him to separate very soon, from the rebels at Perth, and return to look after the safety of his own estates, which were now menaced from a quarter whence nothing of the kind had been apprehended. His lordship ar-

rived about the beginning of December, and towards the end of the month, having drawn his men together, was concerting with the marquis of Huntly, who had returned home about the same time, and for the same reasons, to attack Inverness on all sides. Having intelligence of this, the earl of Sutherland, determined to reduce Seaforth before he could be joined by Huntly, marched out of Inverness with three hundred of his own men, three hundred M'Kays, under Mr. Patrick M'Kay of Scourie, three hundred Grants, under captain George Grant, two hundred Rosses, under Hugh Ross of Brealangwell, and two hundred of colonel Monroe's men, to the muir of Gilliechrist, where he was joined by five hundred Frazers belonging to lord Lovat. Seaforth had here rendezvoused about twelve hundred men, all he was able to muster of those who had fled from Sheriffmuir, and finding Sutherland resolved to force him to an engagement, he made his submission to the government, owning king George to be his lawful sovereign, and promising to deliver up himself and his arms, when and where the king should require him. On the faith of this agreement, Sutherland returned to Inverness, on the first of January, 1716. In a short time after this, the marquis of Huntly also gave in his submission, which he faithfully kept; but Seaforth no sooner heard of the pretender having landed, than he relapsed into rebellion, and created what disturbance he was able. Sutherland, however, was able to keep Inverness till the rebellion was finally extinguished, when it was garrisoned by regular troops.*

The earl of Marr having amused his friends at Perth, and attempted to console himself for the loss of his artillery, his ammunition, and his bread waggons, by thanksgiving sermons, *Te Deums*, and bell ringing, had now to set about more serious and more difficult employment. The dispiriting influence of the fatal affair of Preston, and the scarcely less so of that at Inverness, the horrors of famine, and the rigour of an extremely severe winter, with the overwhelming force of a well organized, and active, and highly insulted government, were all to be provided against, at one and the same time. For the first of these, he had the aid of Mr. Freebairn, who was ready to print and

* Rae's History of the Rebellion, p. 336.

disperse whatever good news himself, or his associates, were able to invent; for the second, he issued a proclamation for paying to his army, four bolls of meal, or money at the rate of four pounds the boll, out of every hundred pound Scots of valued rent; for the third, he compelled the country people to bring in for the use of his men, store of blankets, and the gentlemen and farmers to provide them with coals, which, the river being frozen, could not be found but at a great distance, and for the latter, he continued to fortify Perth in the best manner he could. In despite of all he could do, however, though about the beginning of December, he was joined by M'Donald of Keppoch and his men, his forces were daily diminishing, some of his followers, as Seaforth and Huntly, being recalled to take care of their own estates, and some of them, disliking the state of inaction to which they were reduced, and seeing no prospect of gratifying their predatory spirit, retiring under the mingled influence of disgust, disappointment, and fear. So heavily did the rebel chiefs feel the increasing difficulty of their situation, that it was resolved to furl, for a time, the standard of rebellion, to abandon Perth, reserving themselves in the obscurity of their own homes, or, if the government could not be propitiated so far, in exile, till a more favourable opportunity should arrive.* These desponding feelings were, however, relieved for a few days, by the arrival of James himself, after his friends had begun to despair of his coming, and when his affairs were become altogether desperate. Nor even at this late period, had he reached them without considerable difficulty. He had gone several times aboard the ships at St. Malo, that were laden with arms and ammunition for his service; but not daring to venture himself when his embarkation was known, he still deferred his departure, till at length the ships were countermanded. He then traversed Normandy, for the purpose of embarking at Dunkirk, where, after having wandered about for a considerable time, in the disguise of a mariner, he embarked privately, with the marquis of Tynemouth, son to the duke of Berwick, lieutenant Cameron, and three or four others, on board a small French ship, formerly a privateer of eight guns,

* Marr's Journal, Printed at Paris, &c.

laden with brandy, and well manned and armed. She sailed ostensibly for Norway, but directly for Peterhead, where, after a voyage of seven days she arrived, on the twenty-second of December, 1715.*

The pretender had no sooner landed his retinue, than the ship was despatched back to France with the news of his safe arrival. Lieutenant Cameron was at the same time sent express to Perth, where he communicated the acceptable tidings to the earl of Marr on the twenty-sixth, who, with the earl Marischal, general Hamilton, and some twenty or thirty persons of quality, with a guard of horse, set out to attend him. James, with his companions, in the disguise of sea officers, lodged one night at Peterhead, and another at Newburgh, a seat of the earl Marischal. On the twenty-fourth, he passed incognito through Aberdeen, with two baggage horses, and at night came to Fetteresso, the principal seat of the earl Marischal, where he was waited upon by the earls Marr, Marischal, and general Gordon. Here, having dressed, discovered himself, and given them his hand to kiss, they owned him for their king, proclaimed him at the gate of the house, and despatched general Hamilton to France to solicit supplies for his service. Having been seized with an aguish distemper, he continued at Fetteresso some days, during which, his declaration, dated at Commercy, was published and dispersed wherever the rebels had the authority in their own hands, and copies of it were dropped in the night in those places where they durst not venture to publish it by day.†

* Rae's History of the Rebellion, p. 351.

† HIS MAJESTY'S MOST GRACIOUS DECLARATION. JAMES REX.

James the VIII. by the grace of God, of Scotland, England, France and Ireland, king; Defender of the Faith; to all our loving subjects, of what degree or quality soever, greeting:—As we are firmly resolved never to lose an opportunity of asserting our undoubted title to the imperial crown of these realms; and of endeavouring to get the possession of that right which is devolved upon us by the law of God and man, so we must, in justice to the sentiments of our own heart, declare, that nothing in the world can give us so great satisfaction, as to owe to the endeavours of our loyal subjects, both our own and their restoration to that happy settlement, which can alone deliver this church and nation from the calamities which they at present lie under, and those future miseries which may be the consequences of the pre-

The publication of this declaration was the first public act of his pretended royalty after his arrival in Scotland, and it affords an additional proof of the duplicity of the late queen, and the dangerous measures which her ministers were pur-

sent usurpation. During the life of our dear sister, of glorious memory, the happiness which our people enjoyed, softened in some degree, the hardship of our own fate; and we must confess, that when we reflected on the goodness of her nature, and her inclination to justice, we could not but persuade ourselves, that she intended to establish and perpetuate the peace which she had given to these kingdoms, by destroying for ever all competitions to the succession of the crown; and by securing to us at last, the enjoyment of that inheritance, out of which we had been so long kept; which her conscience must inform her was our due, and which her principles must bind her to desire that we might obtain.

But since the time it pleased Almighty God to put a period to her life, and not to suffer us to throw ourselves, as we then fully purposed to have done, upon our people, we have not been able to look upon the present condition of our kingdoms, or to consider their future prospect, without all the horror and indignation which ought to fill the breast of every Scotchman.

We have beheld a foreign family, aliens to our country, distant in blood, and strangers, even to our language, ascend the throne.

We have seen the reins of government put into the hands of a faction, and that authority which was designed for the protection of all, exercised by a few of the worst, to the oppression of the best and greatest number of our subjects. Our sister has not been allowed to rest in her grave, her name has been scurrilously abused, her glory, as far as in the people lay, insolently defaced, and her faithful servants inhumanly persecuted. A parliament has been procured by the most unwarrantable influences, and by the grossest corruptions, to serve the vilest ends; and they who ought to be the guardians of the liberties of the people, are become the instruments of tyranny. Whilst the principal powers engaged in the late war, enjoy the blessings of peace, and are attentive to discharge their debts, and ease the people, Great Britain in the midst of a peace, feels all the load of a war; new debts are contracted—new armies are raised at home—Dutch forces are brought into these kingdoms—and by taking possession of the Dutchy of Bremen, in violation of the public faith, a door is opened by the usurper to let in an inundation of foreigners from abroad, and to reduce these nations to the state of a province—to one of the most inconsiderable provinces of the empire. These are some few of the many real evils into which these kingdoms have been betrayed, under pretences of being rescued and secured from dangers purely imaginary; and these are such consequences of abandoning the old constitution, as we persuade ourselves very many of those who promote the present unjust and illegal settlement never intended. We observe, with the utmost satisfaction, that the generality of our subjects are awakened with a just sense of their danger, and that they show themselves disposed to take such measures as may effec-

suing, when they were cut short by her unexpected and sudden demise. It is, at the same time, characterized by a monkish whine, strongly indicative of a narrow and illiberal spirit fretted by disappointment, and clouded by superstition. One

tually rescue them from that bondage, which has, by the artifices of a few designing men, and by the concurrence of so many causes, been brought upon them.

We adore the wisdom of the divine providence which has opened a way to our restoration, by the success of those very measures that were laid to disappoint us for ever; and we most earnestly conjure all our loving subjects, not to suffer that spirit to faint or die away, which has been so miraculously raised in all parts of the kingdom, but to pursue, with all the vigour and hopes which such a just and righteous cause ought to inspire, those methods which the finger of God seems to point out to them. We are come to take our part in all dangers and difficulties to which any of our subjects, from the greatest down to the meanest, may be exposed on this important occasion; to relieve our subjects of Scotland from the hardships they groan under, on account of the late Union; and to restore the kingdom to its ancient, free, and independent state.

We have before our eyes the example of our royal grandfather, who fell a sacrifice to rebellion; and of our royal uncle, who, by a train of miracles, escaped the rage of the barbarous and blood-thirsty rebels, and lived to exercise his clemency towards those who had waged war against his father and himself, who had driven him to seek shelter in foreign lands, and who had even set a price upon his head.

We see the same instances of cruelty renewed against us, by men of the same principles, without any other reason than the consciousness of their own guilt, and the implacable malice of their own hearts; for, in the account of such men, it is a sufficient crime to be born their king. But God forbid that we should tread in those steps, or that the cause of a lawful prince, and an injured people, should be carried on like that of usurpation and tyranny, and owe its support to assassins. We shall copy after the patterns above mentioned, and be ready, with the former of our royal ancestors, to seal the cause of our country, if such be the will of heaven, with our blood. But we hope for better things, we hope, with the latter, to see our just rights, and those of the church and people of Scotland, once more settled in a free and independent Scots parliament, on the ancient foundation. To such a parliament, which we shall immediately call, shall we entirely refer both our and their interests, being sensible that these interests, rightly understood, are always the same. Let the civil, as well as the religious rights of all our subjects, receive their confirmation in such a parliament; let consciences truly tender be indulged, let property of every kind be better than ever secured, let an act of general grace and amnesty, extinguish the fears of the most guilty; if possible let the very remembrance of all that has preceded this happy moment be utterly blotted out, that our subjects may be united to us, and to each other,

might, indeed, suppose it to be the sole composition of James himself, and it would be difficult to frame a more effective satire upon royal declarations. The allusions to the fate of his "royal grandfather," and "royal uncle, who, by a train of miracles, escaped the rage of the barbarous and bloody-thirsty rebels," were particularly unfortunate, tending to excite among Scotchmen nothing but feelings of contempt and execration. He was, however, repaid in kind by his faithful episcopal subjects of Aberdeen, clerical and lay, in addresses inimitably adapted to the circumstances of the case. The first was from the church:—"To the king's most excellent majesty, The humble address of the episcopal clergy of the diocese of Aberdeen. Presented to his majesty by the Rev. Drs. James and George Gordons, Dr. Burnet, Mr. Dumbreck, Mr. Blair, and Mr. Maitland at Fetteresso, the twenty-ninth day of December, 1715. Introduced by his grace the duke of Marr, and the right honourable the earl Marischal of Scotland:—Sir, We, your majesty's most faithful and dutiful subjects, the episcopal clergy of the diocese of Aberdeen, do, from our hearts, render thanks to Almighty God

in the strictest bonds of affection as well as interest, and that nothing may be omitted, which it is in our power to contribute to this desirable end, we do, by these presents, absolutely and effectually for us, our heirs and successors, pardon, remit, and discharge all crimes of high treason, misprision of treason, and all other crimes and offences whatsoever, done or committed against us, or our royal father, of blessed memory, by any of our subjects, of what degree or quality soever, who shall at, or after our landing, and before they engage in any action against us, or our forces, from that time lay hold on mercy, and return to that duty and allegiance which they owe to us, their only rightful and lawful sovereign. By the joint endeavour of us and our parliaments, urged by these motives, and directed by these views, we may hope to see the peace and flourishing state of this kingdom, in a short time restored. And we shall be equally forward to concert with our parliament such further measures as may be thought necessary for leaving the same to future generations.

And we hereby require all sheriffs of shires, stewarts of stewartries, or their deputies, and magistrates of burghs, to publish this our declaration, immediately after it shall come to their hands, in the usual places and manner, under the pain of being proceeded against for failure thereof, and forfeiting the benefit of our general pardon.

Given under our sign manual, and privy signet, at our court of Commercay, the 25th day of October, in the fifteenth year of our reign.

for your majesty's safe and happy arrival into this, your ancient kingdom of Scotland, where your royal presence was so much longed for, and so necessary to animate your loyal subjects, our noble and generous patriots, to go on with that invincible courage and resolution which they have hitherto so successfully exerted for the recovery of the rights of their king and country, and to excite many others of your good subjects to join them, who only wanted this great encouragement.

" We hope, and pray that God may open the eyes of such of your subjects as malicious and self-designing men have industriously blinded with prejudices against your majesty, as if the recovery of your just rights would ruin our religious liberties and property, which, by the overturning of these rights, have been highly encroached upon; and we are persuaded, that your majesty's justice and goodness, will settle and secure those just privileges to the conviction of your most malicious enemies.

" Almighty God has been pleased to train up your majesty from your infancy, in the school of the cross, in which the divine grace inspires the mind with true wisdom and virtue, and guards it against those false blandishments by which prosperity cramps the heart. And as this school has sent forth the most illustrious princes, as *Moses*, *Joseph*, and *David*, so we hope the same infinitely wise, and good God designs to make your majesty not only a blessing to your own kingdoms, and a true father of them, but also a great instrument of the general peace and good of mankind.

" Your princely virtues are such, that, in the esteem of the best judges, you are worthy to wear a crown, though you had not been born to it, which makes us confident that it will be your majesty's care to make your subjects a happy people, and so to secure them in their religion, liberties, and property, as to have no ground of distrust, and to unite us all in true Christianity, according to the gospel of Jesus Christ, and the practice of the primitive Christians.

" We adore the goodness of God in preserving your majesty amidst the dangers to which you have been exposed, notwithstanding the hellish contrivances formed against you, for encouraging assassins to murder your sacred person, a practice abhorred by the very heathens. May the same merciful pro-

vidence continue still to protect your majesty, to prosper your arms, to turn the hearts of all the people towards you, to subdue those who resist your just pretensions, to establish you on the throne of your ancestors, to grant you a long and happy reign, to bless you with a royal progeny, and at last with an immortal crown of glory. And as it has been, still is, and shall be our care to instil into the minds of the people true principles of loyalty to your majesty, so this is the earnest prayer of—May it please your majesty, your majesty's most devoted," &c. &c.

To this cruel, though unintended ridicule, his pretended majesty made the following answer, which it may be readily conceded, was at least sincere:—"I am very sensible of the zeal and loyalty you have expressed for me, and shall be glad to have opportunities of giving you marks of my favour and protection."

The clergy of the diocess were followed by the magistrates, town council, and citizens of Aberdeen, in a strain, if possible, of still more ridiculous bombast:—"To the king's most excellent majesty. We, your ever loyal and dutiful subjects, the magistrates, town council, and others, your majesty's loyal subjects, citizens of Aberdeen, do heartily congratulate your arrival to this your native and hereditary kingdom. Heaven very often enhances our blessings by disappointments, and your majesty's safe arrival after such a train of difficulties, and so many attempts, makes us not doubt but that God is propitious to your just cause.

"As your majesty's arrival was seasonable, so it was surprising. We were happy and we knew it not. We had the blessing wished for, yet insensible, till now that your majesty has been pleased to let us know, that we are the happiest, and as so we shall always endeavour to be, the most loyal of—May it please your majesty," &c. &c.

To this monstrous absurdity it was impossible to reply without being ridiculous. Perhaps the answer of the chevalier was as well as could have been expected:—"I am very sensible of the duty and zeal you express for me in this address, and you may assure yourselves of my protection."*

* Patten's History of the Rebellion, pp. 215—220. Campbell's Life of John, Duke of Argyle, pp. 237—240.

As the pretender had now taken upon him the state and title of a king, and received the usual homage, by the addresses of the people, so he assumed the regal authority, by conferring titles of honour, as knighthood, nobility, and ecclesiastical dignities on those that were zealous for him. The honour of knighthood, he conferred on provost Bannerman, who presented this last address, and he created several lords and bishops, of which last, the famous Lealey was one, though it has never been exactly ascertained to what place he was designated, and as all these honours died with his usurped authority, which was so very short-lived, it has become difficult to know on whom they were bestowed, the persons so distinguished, naturally wishing to conceal a distinction, that only subjected them to ridicule.

Being recovered of the distemper, which had detained him and his royal court at Fetteresso, James proceeded to Brechin on Monday, January the second, where he remained till Wednesday when he proceeded to Kinnaird, on Thursday to Glamis, and on Friday forenoon, he made his public entry on horseback into Dundee, with a retinue of about three hundred horsemen. The earl of Marr rode on his right, and the earl Marischal upon his left hand. At the desire of his friends, he continued about an hour on horseback in the market place, giving the people his hand to kiss, and afterwards dined at Stuart of Grantully's, where he also slept for that night. On Saturday, he proceeded to Castle Lyon, a seat of the earl of Strathmore's, where he dined, and afterward to the house of Sir David Triplin, where he lodged. He arrived at Scoon, one of the royal residences, on Sabbath, January the eighth, and on Monday the ninth, he made his public entry into Perth, where he reviewed some of the troops quartered in the town, who were drawn out for that purpose, and the same night returned to Scoon. Here he began to form a regular council, and to perform several acts of government. He issued out six proclamations; one for a general thanksgiving for his safe arrival; another ordering prayers to be publicly put up for him in all the churches; a third giving currency to all foreign coins; a fourth for summoning the meeting of the convention of estates; a fifth ordering all fencible men, from sixteen to sixty, to repair immediately to his royal standard; and a sixth fixing his coro-

nation for the twenty-third of "this current January." He obstinately however, refused to attend any protestant place of worship, nor would he allow any protestant so much as to say grace at his table. His own confessor, Father Innes, constantly repeated the *Pater Noster* and *Ave Marias* for him; and he had an invincible repugnancy to comply with the usual form of the coronation oath, obliging the sovereign to maintain the established religion.* This avowed bigotry, occasioned wide divisions among his few counsellors, and cooled to a great degree, the affection of his female friends, the episcopal ladies, many of whom, had incited their husbands to take arms for him, under the idea that he had become protestant. It would also have rendered the coronation a matter of some difficulty, and no small ingenuity would have been necessary to have got over it, without giving serious offence to some of his partisans. They were soon, however, saved from anxiety on this subject, all thoughts of the coronation being, before the appointed day arrived, swallowed up in a strong feeling of the dangers with which he was surrounded, and all their cares concentrated in devising the means for carrying him safely back into that obscurity, from which it had been well for his fame he had never emerged.

On the sixteenth, he assembled a grand council of all the rebel chiefs, at the opening of which, he delivered himself in a set speech to the following effect:—"I am now on your repeated invitation, come among you; no other argument need be used, of the great confidence I place in your loyalty and fidelity to me, which I entirely rely on. I believe you are altogether convinced of my good intentions, to restore the ancient laws and liberties of this kingdom, if not, I am still ready to confirm to you, the assurance of doing all that can give you satisfaction therein. The great discouragements which presented, were not sufficient to deter me from coming to put myself at the head of my faithful subjects, who were in arms for me; and whatsoever shall ensue, I shall leave them no room for complaint, that I have not done the utmost they could expect from me. Let those who forget their duty, and are

* Rae's History of the Rebellion, p. 360.

negligent of their own good, be answerable for the worst that may happen; for me, it will be no new thing, if I am unfortunate, my whole life, even from my cradle, has shown a constant series of misfortunes, and I am prepared, if it so please God, to suffer the threats of my enemies and yours. The preparations which are making against us, will, I hope, quicken your resolution, and convince others, from whom I have assurances, that it is now no time to dispute what they have to do, if otherwise they shall by their remissness, be unmindful of their own safety, I shall take it as my greatest comfort, that I have acquitted myself of whatever can be expected from me. I recommend to you what is necessary to be done in the present conjuncture, and next to God, rely on your counsel and resolution.”*

This effusion of pusillanimous despair was put into the hands of Mr. Freebairn, and most industriously circulated by the rebels, though nothing could be less calculated for advancing their interests. It speaks throughout, the language of a mind abandoned of hope, but arraying its despondency in the garb of resignation, and, with strong professions of inviolable regard to duty, hiding from itself its own weakness and timidity. It possesses, however, what the most of their speeches wanted, some little truth; or rather, it has the negative quality of containing less positive falsehood than others that preceded it. “There is nothing,” as has been observed, “of these great assurances with which the party was unhappily amused before his landing; no new hopes of succour, nor any arguments to raise and animate their zeal and courage, but such as were proper only for an assembly of monks, but too cold to be addressed to an assembly of rebels, met on so desperate an attempt.” Nor is the melancholy strain of the speech at all to be wondered at, when we advert to the character and circumstances of the speaker, who was unquestionably no hero, and his prospects had, in the present instance, been woefully blasted. Louis XIV., on whom all his hopes, as well as those of his party depended, had dropped into the grave at the very moment when his good offices were most wanted, and likely to have been most effective. The great

* Campbell's *Life of John, Duke of Argyle*, p. 242.

grandson of Louis, an infant, had succeeded him as king. His nephew, Philip, duke of Orleans, acted as regent, under whose government there was an entire change of policy at the French court. Careful of the tranquillity of the kingdom, which the mad ambition, and the cruel bigotry of Louis had rendered so necessary for recovering her wasted population, and ruined finances, as well as from motives of a less dignified character, Orleans was disposed to enter into the closest alliance with the government of Britain, and all the address of the duke of Berwick, and Bolingbroke, could not procure from his ministers a single ship, nor a single sixpence to aid in the important enterprise. Nor could even these little succours, afforded by individual liberality, escape the vigilance of the earl of Stair, who developed every plan of the party as fast as it could be formed, and by his interest with Orleans and the French ministry, blasted every attempt of any consequence, that was made in that country for their assistance. The small armament that the duke of Ormond had with the utmost difficulty equipped, had, according to agreement, appeared on the western coast of England, but found no armies ready to receive him, and he was glad to seek refuge whence he had come. The rising in the north of England, had been totally extinguished, without any extraordinary effort on the part of the government, which was now ready to pour its concentrated strength upon an army, that had already suffered all the misery of a signal defeat, and was insensibly melting under a combined influence, which neither the pretender nor his friends had power to control. From all these circumstances, it cannot be thought strange, that the new made monarch was a little gloomy, or that the result of this grand council, as it was called, was a determination to abandon the enterprise as quickly as possible. They knew that they were in no condition to stand an attack from the royal army, now provided with a powerful artillery, and re-enforced by Cadogan, and six thousand Dutch auxiliaries; but it was necessary to conceal this knowledge from the troops, till proper measures should be concerted for dismissing them with greater safety, than could be done at that time and place. Had they made their real circumstances known, the whole army had probably been so dispirited, as to have been in-

capable of taking the necessary steps for securing an escape, or they might have been provoked, as was like to have been the case at Preston, to take summary vengeance on their leaders, who had brought them, by such gross misrepresentations and so many palpable blunders, into a situation of so much difficulty and danger. There was nothing, of course, to be seen among them, but bustle and activity, and nothing to be heard, but the dreadful note of preparation. Every where, there was planting of guns, marking out breastworks and trenches, digging up streets, and laying them with sand, to prevent the effects of bombardment, and in short, every thing to induce the belief, that they were to make to the king's troops, the most determined, and the most desperate resistance.

Still more to confirm this view of the matter, an order was issued the very day following the council, the last that James promulgated, for burning the country between him and the king's troops, and destroying every thing that could possibly be useful to an enemy. The following is a copy of the order:—"James R. Whereas, it is absolutely necessary for our service and the public safety, that the enemy should be as much incommoded as possible, especially upon their march towards us, if they should attempt any thing against us or our forces, and seeing this can be by no means better effected than by destroying all the corn and forage, which may serve to support them on their march, and burning the houses and villages, which may be necessary for quartering the enemy, which, nevertheless, it is our meaning shall only be done in case of absolute necessity, concerning which we have given our full instructions to James Graham, younger of Braco. These are, therefore, ordering and requiring you, how soon this order shall be put into your hands by the said James Graham, forthwith, with the garrison under your command, to burn and destroy the village of Auchterarder, and all the houses, corn, and forage, whatsoever within the said town, so as they may be rendered entirely useless to the enemy. For doing whereof, this shall be to you and all you employ in the execution hereof a sufficient warrant. Given at our court of Scoon, this seventeenth day of January, in the fifteenth year of our reign, 1715-16. By his majesty's

command, signed, Mar." This absurd and unnecessary piece of inhumanity towards a district that had already been reduced to starvation by taxes and contributions extorted from them, was directed "To colonel Patrick Graham, or the commanding officer for the time of our garrison of Tullibardine." No other occurrence of moment happened with the rebels till their flight, except that they sent pressing messages to Seaforth, Huntly, and others of their friends, to join them, none of which were attended to.*

In the meantime, circumstances of fatal portent were accumulating around them. "The extinction of the rebellion in Lancashire, and the suppression of the seditious spirit in other quarters of the kingdom, having given a large portion of the royal troops a new opportunity for action, the ministry judiciously decided on crushing the insurgents, yet in arms, before they could gather new strength. Artillery was ordered for immediate embarkation at London; and a train prepared at Berwick, while columns of troops, from all quarters, filed towards the north." Among these were the six thousand Dutch auxiliaries, and, little satisfied with the conduct of Argyle, the command of these auxiliaries was, by his majesty, bestowed upon general Cadogan, the pupil and the friend of Marlborough, whose superior skill, activity, and zeal, it was hoped, would correct the mistakes, and overawe the temporizing policy of Argyle. No sooner had these troops begun to arrive, than Argyle sent orders to the commander, in Leith Roads, to send in a man of war to cannonade the town and castle of Bruntisland, which he did with such effect, that the rebels, apprehending a descent of a party of Dutch and Swiss, abandoned the garrison, leaving behind them six pieces of cannon they had taken from the ships, some small arms, and a large quantity of provisions. General Cadogan, who had just arrived in Edinburgh, immediately despatched one hundred Dutch and Swiss, with seventy of the Edinburgh new levy, under the command of Sir Robert Montgomery of Skebmorie, a half-pay lieutenant, who took possession of that place on the nineteenth of December. Several other small garrisons

* Campbell's *Life of John, Duke of Argyle*, pp. 244, 245.

on the coast of Fife were deserted by the rebels at the same time. Advised of this success, Argyle ordered three battalions of the Dutch troops to pass the Frith at Queensferry, and take up their quarters at Inverkeithing, Dunfermline, and the neighbouring towns, which perfectly covered that part of the country from the insults of the rebels; and, for the better support of these forces, colonel Cathcart was sent to Dunfermline, with a considerable detachment of horse and foot, which drove the rebels entirely out of Fife.*

Assured that the last of the Dutch troops had passed the borders, and that the train of artillery shipped at London lay wind-bound in the Thames, Argyle sent to the governor of Berwick to furnish as many guns as, with those could be got at Edinburgh, might make up a sufficient train for the present occasion, which was readily complied with. Brigadier Petit, a skillful engineer, and commissary of the Scots field train, was despatched to Edinburgh on the third of January to complete the said train, to select from the Dutch and British troops such as had skill to manage it, as also to provide warlike stores, ammunition, &c. for nine thousand men; and, on the eighth, Cadogan went to Edinburgh to order the proper officers to impress fifteen hundred horse for fetching the cannon from Berwick, which was done accordingly. Next day, Cadogan returned to Stirling, where a council of war was held, when the march of the army was fully concerted, and orders given to have every thing in readiness by the time the artillery should arrive.†

On the twenty-first of January, colonel Guest, with two hundred dragoons, was sent out to reconnoitre the roads leading to Perth, and, if possible, to discover the position of the enemy. This movement put the whole town of Perth into the greatest alarm, some country people coming in full

* Campbell's Life of John, Duke of Argyle, pp. 246, 247.

† "Cadogan found the duke of Argyle anxious to invent excuses for inaction, and labouring to discourage the troops by exaggerating the numbers of the enemy, and the dangers and difficulties of the service. But the orders of the cabinet, and the instructions of the captain-general, enabled him to combat this procrastinating spirit." Coxe's Life of Marlborough, vol. iii. p. 610.

speed and telling them that the duke of Argyle, with all his cavalry and four thousand foot mounted on horses, was in full march to attack them. Nor were their fears quieted till a party of horse, sent to Tullibardine to examine the roads, brought back word that all was safe, no enemy being in sight. Cadogan was shortly after sent with a strong detachment of horse and foot to take post at Dunblane, and to station a party at Doun, some miles farther on the road to Perth, and, on the twenty-fourth, his grace the duke of Argyle, with two hundred horse, went out to Dunblane, where, being joined by Cadogan with as many more, they proceeded as far as Auchterarder, taking a survey of the roads, and at night returned to their respective quarters. This march put the rebels into such consternation, that they abandoned their garrisons, and retired behind the river Earn, where they gave out they would wait for the duke, and give him battle; and, having intelligence that he had posted three thousand men as his advanced guard at Dunblane and Doun, they sent three thousand Highlanders from the garrisons of Braco, Tullibardine, and other neighbouring stations, who, agreeably to the pretender's orders, burned the towns and villages of Auchterarder, Crieff, Blackford, Dunning, and Muthil, with what corn and forage they were unable to carry away. This barbarous act exposed the poor inhabitants to the utmost distress, the season being unusually inclement, and, in the hurry and consequent confusion, several old people and children were consumed in the flames.

The train of artillery from Berwick, and part of that from Edinburgh, arrived at Stirling on the twenty-sixth, but the pontoons, travelling carriages for the heavy cannon, &c. &c. were not ready till the twenty-eighth. On the same day, colonel Borgard, with the English train, which had been detained by the stormy weather, arrived in Leith Roads, and, finding that a train was already provided sufficiently ample for the expedition, he left his guns and stores on board, but hastened with his company of gunners to Stirling, where he arrived on the twenty-ninth, just in time to go along with the army.*

* Rae's History of the Rebellion, p. 400.

detached foot, and the next day to Dundee, where he was joined by the rest of the army on the fourth.

The rebels having retreated from Dundee to Montrose, the royal army was divided into two columns for the greater despatch, and, on the morning of the fifth, Cadogan marched with the foot towards Aberbrothock, the duke himself with the cavalry proceeding at the same time towards Brechin, the whole army being to join next day at Stonehaven, intending on the Tuesday thereafter to be at Aberdeen, still supposing they were in pursuit of the pretender. The pretender was now, however, fairly beyond their reach. Having advice at Montrose, on the afternoon of the fourth, that part of the king's army was advancing towards Aberbrothock, he ordered the clans to be ready to march by eight o'clock at night for Aberdeen, where he assured them a considerable force from France would speedily join them. At the appointed hour for the march, the chevalier ordered his horses to be brought to the door of his lodging, his guard to mount, and every thing to be put in order for his going on with the clans; but in the meantime he stole out on foot with only one domestic attending him, stepped privately into Marr's lodgings, and thence as privately, in company with the earl of Marr, by a bye-path to the water side, where a boat was in waiting, which carried them both on board the *Maria Teresa*, a ship of ninety tons burden, from St. Malo. A little after, two other boats carried the earl of Melfort, and the lord Drummond, with lieutenant general Sheldon, and ten other gentlemen, on board the same ship, when she hoisted sail, and, escaping all the cruisers on the coast, landed her passengers seven days afterwards at Waldam, near Graveling, between Dunkirk and Calais. The earls Marischal and Southesk, the lord Tynmouth and general Gordon, with many other officers and gentlemen of distinction, were left behind to shift for themselves, who, keeping with the army, continued the march to Aberdeen, general Gordon marching on with the foot before, and the earl Marischal, with about one thousand horse, bringing up the rear.*

* Patten's *History of the Rebellion*, pp. 229, 230. Rae's *History of the Rebellion*, p. 369.

General Cadogan hearing this hastened his march to Montrose, where he arrived in the afternoon. The duke of Argyle came the same night to Brechin; lieutenant-general Vanderbeck lay with the Dutch troops that night at Aberbrothock, and all of them next day continued their march towards Aberdeen in pursuit of the rebels, where the duke, with part of the army, arrived on the eighth, and the remainder of the army arrived in the neighbourhood the same day, having compelled the garrison of Dunnottar to surrender as they came along.

But, the same day the king's forces advanced to Montrose, the remains of the rebel army reached Aberdeen, where general Gordon showed them a letter from the chevalier, in which he acquainted his friends, "that the disappointments he had met with, especially from abroad, had obliged him to leave the country; that he thanked them for their services, and desired them to advise with general Gordon, and consult their own security, either by keeping in a body or separating; and encouraging them to expect to hear from him in a very short time." The general acquainted them, at the same time, that they were to expect no more pay; and though he and the rest of their leaders were in the secret before they left Perth, yet now they pretended to be in a transport of anger and despair, because the pretender and Marr had deserted them. Many of the people too, threw down their arms, crying out, "they were basely betrayed, they were all undone, they were left without king or general." On the seventh, in the morning, however, they marched from Aberdeen, and rested that night at Old Meldrum. About two hundred of their horse, among whom were many of their chiefs, with Irish, and other officers who had lately come from France, went towards Peterhead, in order to take the advantage of some ships which they knew to be there in waiting. At Peterhead, and in its neighbourhood, several of them embarked and got safe to France, but others of them were under the necessity of returning to follow their flying army through the hills. To intercept the march of these unfortunates, the duke of Argyle had pushed a detachment forward to Frazerburgh, under general Evans, but

they were a day's march too late. At Frazerburgh, Evans found the pretender's physician, whom he made a prisoner. The rest of the party having escaped into Banff, he despatched after them colonel Campbell, with forty dragoons and four hundred foot, and returned himself to the army.*

The main body of the rebels marched straight west through Strathspey, and Strath-Don, to the hills of Badenoch, where they separated, the foot dispersing into the mountains on this side the Lochy, the horse going to Lochaber. They agreed, however, to re-assemble as soon as they had information to that effect from the chevalier. Understanding, however, that two French frigates were riding for their relief in the Pentland Frith, lord Duffus, Sir George Sinclair, general Eckline, and about one hundred and sixty gentlemen mounted on horseback, descended from the hills, and crossing the shire of Moray, came to the sea side, near Burgh, where they found boats, in which they attempted to reach the Orkneys, but finding the boats too small for that stormy passage, they put back to Dumbeth, where they hired two large barks, in which sixty of them were conveyed on board one of the frigates, the remainder pressed another Scottish vessel, which put them on board the other frigate, and both parties were landed at Gotténburgh, where the most of them entered into the service of the king of Sweden, who was considered by the Scottish Jacobites as an ally of the pretender, and was at that time preparing for his expedition into Norway. Lord Duffus had the misfortune to be apprehended in Ham-burgh, at the instance of the British envoy there, and delivered into the hands of the British government.

There still remained, however, with the rebels in Scotland, many of their chiefs, among others, the marquis of Tullibardiné, the earls Marischal, Southesk, and Seaforth, who, having broken his submission, joined them in their flight to the north. Lord Tynemouth, Sir Donald M'Donald, and several others of the chiefs of the clans, concealed themselves in the mountains from the troops that were in quest of them several of them made their escape to the Islands of Skye, Lewis, and other of the

* Rae's History of the Rebellion, pp. 370, 371.

north-west islands, where they remained till vessels arrived to convey them abroad. Some of them afterwards gave in their submission and were pardoned.

But to return to Argyle, finding the communication clear between Aberdeen and Inverness, he ordered, February the fifteenth, four battalions of foot, and a regiment of dragoons, designed to be quartered in that part of the country, to Inverness, to relieve the Frasers, the Monroes, the Rosas, the Grants, &c. &c. who had garrisoned that important station since the twelfth of November. These enterprising chieftains had also planted garrisons of their own men in Seaforth's house at Brahan, Chishelm's house at Erchle, and brigadier M'Intosh's house at Borlam, from all which heavy duties they were now relieved by the dispersion of the rebels, and the presence of the regular army. He then disposed of the troops in the most convenient manner for preventing the re-assembling of the rebels, and leaving the command to Cadogan, returned to Edinburgh on the twenty-seventh of February, and was present at the election of a Scottish peer, to serve in room of the marquis of Tweeddale, deceased. His grace was most magnificently entertained by the magistrates of that ancient capital, in gratitude for the signal services he had so successfully performed. On the first of March, he set out for London, and arrived there on the sixth, when, though his conduct had not been such as to meet with entire approbation, he yet met with a very gracious reception from his majesty.

Towards the end of February, general Cadogan proceeded to Inverness, determined, with a body of regular troops, to march through the Highlands and reduce the clans, who, amid the fastnesses of their native hills, still remained in arms. In the Lewis, the earl of Seaforth, and brigadier Campbell of Ormundaie, an old soldier newly arrived from Muscovy, was at the head of a very considerable body of rebels in arms. A detachment under the command of colonel Cholmondeley, was sent against them, who very soon reduced the whole island, and made Campbell a prisoner. Seaforth himself, escaped from the island, and for some time it was not known where he was. After a while, he made his appearance at his house in Ross-shire, and shortly after escaped into France. Another detach-

ment was sent to the Island of Skye, in quest of Sir Donald M'Donald, who also was in arms at the head of a party. This detachment was commanded by colonel Clayton, who soon brought the inhabitants to lay down their arms. But Sir Donald himself, having no security from the government in case of a surrender, made his escape into Uist, and shifted about, till he got safe over to France, when the colonel returned to Fort-William.

An order was now sent down to the general from the court, which was to be intimated at all the parish churches, "requiring the rebels to surrender themselves, assuring such of the common people as had been in the rebellion, if they delivered up their arms to his majesty's forces, that they should have liberty to return home in safety, and, at the same time, certifying those who stood out, or kept their arms by them, and were found resisting the authority of the government, that they should be reduced with rigour. This intimation was received with great joy in the Lowlands, where the common people, for the most part, delivered up their arms, and were allowed peaceably to retire to their habitations. In the Highlands, several of the clans still continued obstinate, and were pursued by the troops, who could not, perhaps, at all times, be restrained from exceeding the bounds of strict discipline. Generally, however, one part of the people was employed to disarm another. Culcainn, brother to colonel Monro of Fowlis, with a captain M'Neil, was empowered to disarm the surrounding district. In Argyleshire the business was committed to the deputy lieutenants. Cadogan himself, marched to Blair, in Athole, for the purpose of exercising his powers there, but found that country already disarmed. Proceeding to Ruthven, in Badenoch, he found that Grant of Grant, had disarmed that country also. Here, he learned that the Camerons, Keppoch, and Clanronald, had refused to deliver up their arms, and were prepared to defend themselves, but having returned to Inverness, Glengary made his submission, and the heads of the above three clans having withdrawn, their followers delivered up their arms without resistance. This disarming, though again and again resorted to, was a mere farce, and upon the whole, rather hurtful than beneficial to the government, as, by it, they completely enfeebled

their friends, who delivered up their arms without scruple, while their opponents parted with none worthy of being kept, and thus, while all their other dangerous claims and prerogatives remained untouched, they acquired by the very operations of this act, a real superiority, as we shall see more fully as we proceed. It closed, however, a rebellion which originated in want of principle, was prosecuted chiefly from personal pique and selfishness, and may be said to have failed, not so much from the opposition made to it, as from the want of a little common sense to support it.

Every thing being thus quieted, Cadogan having garrisoned Inverlochy with Grant's regiment, and Inverness with the Scots Fusileers, proceeded by Aberdeen to Edinburgh, where he arrived on the first of May. The command of the army he left to general Sabine, and shortly after proceeded to London. The Dutch auxiliaries were marched back to England, where they were embarked for their native country.

THE HISTORY OF SCOTLAND.

Book V.

1716—1722.

Parliamentary Proceedings—Impeachment and trial of the rebel Lords taken at Preston—Carnwath and Nairn reprieved—Escape of Nithsdale—Execution and character of Derwentwater and Kennerly—Escape of the Earl of Winton—Commission of Oyer and Terminer, tries and condemns a great number of the Rebels—Act of Parliament passed, and a new commission appointed for trying more of the Rebels—Proceedings of this commission—General Assembly—Attainder passed against the Scottish Lords who had been in the Rebellion—Bill of Indemnity—Bill for disarming the Highlanders—Bill respecting the forfeited estates—Bill for Septennial Parliaments—Promotions in Scotland—King goes to Hanover—Execution of state criminals—Liberation of state prisoners—Court of Oyer and Terminer at Carlisle—Chevalier ejected out of France, turns to Sweden—Triple Alliance—King returns to England—Swedish minister apprehended—Meeting of Parliament—Invasion threatened—Jacobites unsuccessful in their applications to the north—Oxford acquitted—Act of grace—Forfeited estates—General Assembly—Currency regulated—James Shepherd—Quadruple Alliance—General Assembly—War declared against Spain—Chevalier visits Madrid—Dutch troops landed for the defence of the kingdom—Spanish Fleet dispersed—Spaniards land at Glensheil—Peerage Bill—King goes again to Hanover—Treaty with Sweden—British Fleet in the Baltic—Meeting of Parliament—General Assembly—Trustees for managing the affairs of the Chevalier—Jacobites attempt to gain the Duke of Argyle—Bishop Fullarton and the Scottish Episcopalians—Address to the Chevalier—South Sea scheme—General Assembly—Chevalier's Letter announcing the birth of a son—Plan for uniting the Scottish Jacobites and English Tories—Chevalier encouraged with favourable reports of the Dukes of Argyle and Hamilton—Tenth of June at Edinburgh—Earl of Sunderland—Patriotism of the Jacobites—Address of the Edinburghshire Electors—Scottish Peers—Money collected for the Chevalier—Alarm of invasion—Altarbury and others apprehended—Meeting of Parliament—General Assembly and its commission.

WHILE the rebels were thus making their last feeble efforts in the north, measures had already been fallen upon for bringing their friends, who had been taken at Preston, before the tribunal of justice, there to abide the fiat of the outraged laws of their country. Having this in view as one of its principal objects, the British parliament, after several prorogations, was, on the ninth of January, 1716, assembled for the despatch of business. His majesty, in a speech of

great length and vigour, went over the principal topics that were to occupy their deliberations. Adverting to the pretender, who, he said, he had reason to believe was now landed in Scotland, and, to the rebellion, he made the following observations:—"Among the many unavoidable ill consequences of this rebellion, none is more sensibly affecting than that extraordinary burden which it has and must create to my faithful subjects. To ease them as far as lies in my power, I take this first opportunity of declaring that I will freely give up all the estates that shall become forfeited to the crown by this rebellion, to be applied towards defraying the extraordinary expense incurred on this occasion. Let those whose fatal counsels laid the foundation of all these mischiefs, and those whose private discontents and disappointments, disguised under false pretences, have betrayed great numbers of deluded people into their own destruction, answer for the miseries in which they have involved their fellow-subjects. I question not, but that, with the continuance of God's blessing, who alone is able to form good out of evil, and with the cheerful assistance of my parliament, we shall, in a short time, see this rebellion end, not only in restoring the tranquillity of my government, but in procuring a firm and lasting establishment of that excellent constitution in church and state, which it was manifestly designed to subvert, and that this open and flagrant attempt in favour of popery, will abolish all other distinctions among us; but of such as are zealous assertors of the liberties of their country, the present establishment, and the protestant religion, and of such as are endeavouring to subject the nation to the revenge and tyranny of a popish pretender."*

This speech had a powerful effect upon both houses, by each of which a loyal address was voted in return. In these addresses, they "congratulate his majesty upon the success that had attended his arms, and, with the greatest satisfaction, observe that the officers and soldiers of the army have, by a brave and faithful discharge of their duty, deserved his majesty's approbation." They also "declare their gratitude to his majesty, for his gracious and unparalleled resolution,

* Rae's History of the Rebellion, p. 356.

to give up all the estates that shall become forfeited by the rebellion, to the use of the public, and that this rebellion, for which not the least colour of provocation has been given, as it ought very justly to be the object of his majesty's contempt, so it raises in them the highest resentment and indignation against these ungrateful and desperate rebels, whose pernicious principles, private discontents and disappointments, have engaged them to involve their country in blood and confusion." Of the pretender's landing in Scotland, they observe, "that it will only serve to animate zeal for his majesty," and they doubt not but "that it will prove his last effort for disturbing the peace of his majesty's reign. That they detest and will do their utmost to confound the devices of those, who, professing an unlimited obedience, have stirred up a rebellion against his majesty, and under the disguise of the danger of the church, are endeavouring to introduce popery. They likewise offer their lives and fortunes in defence of his majesty's undoubted title to the crown, in support of the protestant religion, and in maintenance of the liberty and property of the subject, and do most readily promise to grant such early and effectual supplies as may enable his majesty to put an end to this unnatural rebellion, to confound and extinguish for ever all hopes of the pretender, his open and secret abettors, and secure the future peace and tranquillity of his majesty's kingdoms."

The commons had no sooner voted their address, and appointed a committee for drawing it up, than they proceeded to the subject of the prisoners taken in the rebellion at Preston. Mr. Forster, the rebel general, being a member of the house, was unanimously expelled. Mr. Lechmere stated to the house, that he had something to offer to them of the utmost importance both to the king and kingdoms, in which, the lords being concerned also, he requested that a message might be sent to acquaint them, that this house having matters of great consequence to communicate to them, desired that their lordships would continue sitting for some time. The house instantly named Mr. Lechmere to carry up the said message, which he did, and upon his return, in an eloquent speech, laid open the rise, depth, extent, and progress of the present conspiracy,

elucidating as he went along many difficult points relating to our excellent constitution, which made a deep impression on the majority of the house, who were already sufficiently disposed to exert themselves in vindication of the injured rights of the country.

It was then resolved *nem. con.* that this house impeach James, earl of Derwentwater, of high treason, and, upon motions severally made by Mr. Pulteney, Mr. Boscawen, Mr. Hampden, lord Finch, the earl of Hertford, and Mr. Wortley, it was also severally resolved *nem. con.* to impeach William, lord Widdrington, William, earl of Nithsdale, Robert, earl of Carnwath, George, earl of Winton, William, viscount Kenmure, and William, lord Nairn, of high treason. Mr. Lechmere, and other six members, were ordered to carry up the impeachment to the lords in the usual form, which was done accordingly.

The same evening, a committee was appointed to draw up articles of impeachment, and prepare evidence against the impeached lords, of which committee Mr. Lechmere was appointed chairman. This committee was no sooner chosen, though it was a late hour, than they immediately withdrew, and, in less than two hours, made up their report, and delivered in the articles of impeachment against the seven rebel lords, which were twice read, with some few amendments agreed to by the house, and ordered, with the usual saving clause, to be engrossed. While the bill was engrossing, another message was sent to the lords requesting them to continue their sitting, the engrossed articles were brought in, read a third time, passed, and carried up to the lords by Mr. Lechmere the same night before ten o'clock.*

The impeached lords were brought to the bar of the house next day, Tuesday, January the tenth, when articles of impeachment against them were read, and copies delivered to each of them, answers to which they were ordered to put in on the Monday following. That august assembly, at the same time, manifesting all possible tenderness for persons of their own rank placed in circumstances so very humiliating,

* Rae's History of the Rebellion, pp. 357, 358.

gave them to understand, that not only what counsel they should think fit to pitch upon, but also such other persons as they should choose to name as their assistants, whether peers or commoners, should have free leave of the house to hold the most unrestrained intercourse with them. Not being ready, however, to put in their answer by the appointed time, the impeached lords petitioned the house for longer time, and were allowed till Thursday the nineteenth.

Upon the eleventh, the lords and commons, in separate bodies, presented their addresses to the king, and a bill to continue the suspension of the *habeas corpus* for six months longer, being prepared, the king gave it his royal assent upon the twenty-first, when he made the following speech :—" My lords and gentlemen, I had reason to believe, when I spoke last to you, that the pretender was landed in Scotland, the accounts that I have received since do put it beyond all doubt that he is heading a rebellion there, and does assume the style and title of king of these realms, and his adherents do likewise confidently affirm that assurances are given them of support from abroad. This parliament hath on all occasions expressed so much duty to me, and so true a regard for the civil and religious rights of my people, that I am persuaded this daring presumption of our enemies will heighten your just indignation against them, and beget such further resolutions as, with the blessing of God, will enable me to defeat their attempts.

"Gentlemen of the house of commons, The most effectual way to put a speedy end to these troubles, will be to make such effectual provision as may discourage any foreign power from assisting the rebels. I do, therefore, hope that every sincere protestant and true Briton will look upon the extraordinary expense which a timely preparation may require, to be the best husbandry, since it will, in all human probability, prevent that desolation, and those calamities, which would unavoidably ensue, if the rebellion should be suffered to spread, and be supported by popish forces from abroad," &c. &c.

Under such circumstances, and under such an excitement of public feeling, did the trial of these unfortunate noblemen come on. All of them, the earl of Winton excepted, who was

allowed till the twenty-third to prepare his defences, were brought from the Tower, and placed at the bar of the house of peers, on Thursday the nineteenth of January, where they severally pleaded guilty to the articles of their impeachment. Several members exerted themselves with considerable eloquence to extenuate their guilt, and they were remanded to the Tower, till the ninth day of February, when they were brought to the bar of the court, erected in Westminster hall, with the axe, as is usual in such cases, borne before them. Being asked by the lord high steward what they had to say why judgment should not be passed upon them according to law, they severally acknowledged "that their undertaking was rash and inconsiderate, begging his majesty's pardon, they relied upon his mercy, upon which they were made to depend at the time of their surrender. They also besought the noble peers and honourable commons to intercede with his majesty for mercy to them, promising to the end of their lives to pay the utmost duty and gratitude to his majesty, and to be his most dutiful and obedient subjects."

The lord high steward replied to every particular advanced in their answers to extenuate their guilt, which, he contended, were rather aggravations of it:—"And now, my lords, added he, nothing remains but that I pronounce upon you, and sorry am I that it falls to my lot to do it, that terrible sentence, the same that is usually given against the meanest offender in like circumstances. The most ignominious and painful parts of it are usually remitted, through the clemency of the crown, to persons of your quality; but the law, in this case, being blind to all distinctions of persons, requires I should pronounce the sentence adjudged by this court, which is, that you, James, earl of Derwentwater, William, lord Widdrington, William, earl of Nithsdale, Robert, earl of Carnwath, William, viscount Kenmure, William, lord Nairn, and every one of you, return to the prison of the Tower from which you came, thence you must be drawn to the place of execution, when there you must be hanged by the neck, not till you be dead, for you must be cut down alive, then your bowels taken out and burned before your faces, your heads must be severed from your bodies, and your bodies divided into four quarters,

to be at the king's disposal, and God Almighty be merciful to your souls."*

Numerous intercessions were made by their friends for the unhappy criminals, and the house of lords presented an address to his majesty on their behalf. To this address his majesty replied :—" That on this and all other occasions he would do what he thought most consistent with the dignity of his crown, and the interests of his people." Next day, orders were signed in council for the execution of the earl of Derwentwater, the earl of Nithsdale, and viscount Kenmure. The lords Widdrington, Carnwath, and Nairn, were at the same time reprieved till the seventh of March, and these reprieves were renewed from time to time, till these lords were finally pardoned. Nithsdale was liberated the same night, through the ingenuity and fortitude of his lady, Mary Powis, a daughter of the earl of Powis.† Derwentwater and Ken-

* Rae's History of the Rebellion, pp. 375, 376. Gordon's History of the Lives, &c. &c. vol. iii. pp. 552—555.

† The following very interesting account of his lordship's escape, written by this spirited and able lady, in a letter to her sister, the countess of Traquair, will not, we presume, be unacceptable to our readers :—

My lord's escape, is now such an old story, that I have almost forgotten it; but since you desire me to give you a circumstantial account of it, I will endeavour to recal it to my memory, and be as exact in the narration as I possibly can; for I owe you too many obligations, to refuse you any thing that lies in my power to do.

I think I owe myself the justice to set out with the motives which influenced me to undertake so hazardous an attempt, which I despaired of thoroughly accomplishing, foreseeing a thousand obstacles, which never could be surmounted, but by the most particular interposition of divine providence. I confided in the Almighty God, and trusted that he would not abandon me, even when all human succours failed me.

I first came to London, upon hearing that my lord was committed to the Tower. I was at the same time informed, that he had expressed the greatest anxiety to see me, having, as he afterwards told me, nobody to console him, till I arrived. I rode to Newcastle, and from thence, took the stage to York. When I arrived there, the snow was so deep, that the stage could not set out for London. The season was so severe, and the roads so extremely bad, that the post itself was stopt. However, I took horses and rode to London, through the snow, which was generally above the horse's girth, and arrived safe and sound, without any accident.

On my arrival, I went immediately to make what interest I could, among those who were in place. No one gave me any hopes, but all, to the contrary,

mure were both beheaded on Towerhill next day, February the twenty-fourth, according to their sentence.

Derwentwater made a speech from the scaffold, in which he begged pardon of all whom he might have scandalized by

assured me, that although some of the prisoners were to be pardoned, yet my lord would certainly not be of the number. When I inquired into the reason of this distinction, I could obtain no other answer, than that they would not flatter me; but I soon perceived the reasons, which they declined alleging to me. A Roman Catholick upon the frontiers of Scotland who headed a very considerable party; a man whose family had always signalised itself by its loyalty to the royal house of Stuart, and who was the only support of the catholicks against the inveteracy of the whigs, who were very numerous in that part of Scotland, would become an agreeable sacrifice to the opposite party. They still retained a lively remembrance of his grandfather, who defended his own castle of Calaverock to the very last extremity, and surrendered it up only by the express command of his royal master. Now, having his grandson in their power, they were determined not to let him escape from their hands.

Upon this, I formed the resolution to attempt his escape, but opened my intentions to nobody but to my dear Evans. In order to concert measures, I strongly solicited to be permitted to see my lord, which they refused to grant me, unless I would remain confined with him in the Tower. This I would not submit to, and alledged for excuse, that my health would not permit me to undergo the confinement. The real reason of my refusal was, not to put it out of my power to accomplish my designs; however, by bribing the guards, I often contrived to see my lord, till the day upon which the prisoners were condemned; after that, we were allowed for the last week to see and take our leave of them.

By the help of Evans, I had prepared every thing necessary to disguise my lord, but had the utmost difficulty to prevail upon him to make use of them; however, I at length succeeded by the help of Almighty God.

On the 22d February, which fell on a Thursday, our petition was to be presented to the house of lords, the purport of which was, to entreat the lords to intercede with his majesty to pardon the prisoners. We were, however, disappointed the day before the petition was to be presented; for the Duke of St. Alban's, who had promised my lady Derwentwater to present it, when it came to the point, failed in his word: However, as she was the only English countess concerned, it was incumbent upon her to have it presented. We had but one day left before the execution, and the duke still promised to present the petition; but for fear he should fail, I engaged the duke of Montrose to secure its being done by the one or the other. I then went in company of most of the ladies of quality who were then in town, to solicit the interest of the lords as they were going to the house. They all behaved to me with great civility, but particularly my lord Pembroke, who, though he desired me not to speak to him, yet promised to employ his interest in our

pleading guilty at his trial, and declared that in this he had made free with his loyalty, having never had any other for his rightful and lawful sovereign than James III.; and, though at his trial he had said a great deal to excuse and to palliate

favour, and honourably kept his word; for he spoke in the house very strongly in our behalf. The subject of the debate was, Whether the king had the power to pardon those who had been condemned by parliament? And it was chiefly owing to lord Pembroke's speech, that it passed in the affirmative. However, one of the lords stood up and said, that the house would only intercede for those of the prisoners who should approve themselves worthy of their intercession, but not for all of them indiscriminately. This salvo quite blasted all my hopes, for I was assured it aimed at the exclusion of those who should refuse to subscribe to the petition, which was a thing I knew my lord would never submit to, nor in fact could I wish to preserve his life on such terms.

As the motion had passed generally, I thought I could draw some advantage in favour of my design. Accordingly, I immediately left the house of lords, and hastened to the Tower, where, affecting an air of joy and satisfaction, I told all the guards I passed by, that I came to bring joyful tidings to the prisoners. I desired them to lay aside their fears, for the petition had passed the house in their favour. I then gave them some money to drink to the lords and his majesty, though it was but trifling; for I thought, that if I were too liberal on the occasion, they might suspect my designs, and that giving them something, would gain their good humour and services for the next day, which was the eve of the execution.

The next morning, I could not go to the Tower, having so many things in my hands to put in readiness; but in the evening, when all was ready, I sent for Mrs. Mills, with whom I lodged, and acquainted her with my design of attempting my lord's escape, as there was no prospect of his being pardoned; and this was the last night before the execution. I told her, that I had every thing in readiness, and that I trusted she would not refuse to accompany me, that my lord might pass for her. I pressed her to come immediately as we had no time to lose, at the same time, I sent for a Mrs. Morgan, then usually known by the name of Hilton, to whose acquaintance my dear Evans has introduced me, which I look upon as a very singular happiness. I immediately communicated my resolution to her. She was of a very tall and slender make; so I begged her to put under her own riding hood, one that I had prepared for Mrs. Mills, as she was to lend hers to my lord, that in coming out he might be taken for her. Mrs. Mills was then with child; so that she was not only of the same height, but nearly of the same size as my lord. When we were in the coach, I never ceased talking, that they might have no leisure to reflect. Their surprise and astonishment, when I first opened my design to them, had made them consent, without ever thinking of the consequences. On our arrival at the Tower, the first I introduced was Mrs. Morgan, for I was only allowed to take in one at a time. She brought in the clothes that

his rising in arms, he now endeavoured to make a merit of it as a piece of service done for his king and country, and an example which he had hoped would have induced others to the performance of their duty. This was, however, in all

were to serve Mrs. Mills, when she left her own behind her. When Mrs. Morgan had taken off what she had brought for my purpose, I conducted her back to the staircase; and in going, I begged her to send me in my maid to dress me; that I was afraid of being too late to present my last petition that night, if she did not come immediately. I dispatched her safe, and went partly down stairs to meet Mrs. Mills, who had the precaution to hold her handkerchief to her face, as was very natural for a woman to do when she was going to bid her last farewell to a friend on the eve of his execution. I had, indeed, desired her to do it, that my lord might go out in the same manner. Her eyebrows were rather inclined to be sandy, and my lord's were dark and very thick; however, I had prepared some paint of the colour of her's to disguise his with. I also bought an artificial head-dress of the same coloured hair as hers; and I painted his face with white, and his cheeks with rouge, to hide his long beard, which he had not time to shave. All this provision I had before left in the Tower. The poor guards, whom my slight liberality the day before had endeared me to, let me go quietly with my company, and were not so strictly on the watch as they usually had been; and the more so, as they were persuaded, from what I had told them the day before, that the prisoners would obtain their pardon. I made Mrs. Mills take off her own hood, and put on that which I had brought for her. I then took her by the hand, and led her out of my lord's chamber; and, in passing through the next room, in which there were several people, with all the concern imaginable, I said, my dear Mrs. Catherine go in all haste, and send me my waiting maid; she certainly cannot reflect how late it is; she forgets that I am to present a petition to-night; and, if I let slip this opportunity, I am undone, for to-morrow will be too late. Hasten her as much as possible, for I shall be on thorns till she comes. Every body in the room, who were chiefly the guards' wives and daughters, seemed to compassionate me exceedingly; and the centinel officiously opened the door. When I had seen her out, I returned back to my lord, and finished dressing him. I had taken care that Mrs. Mills did not go out crying as she came in, that my lord might the better pass for the lady who came in crying and afflicted; and the more so, because he had the same dress which she wore. When I had almost finished dressing my lord in all my petticoats, excepting one, I perceived that it was growing dark, and was afraid that the light of the candles might betray us; so I resolved to set off. I went out, leading him by the hand, and he held his handkerchief to his eyes. I spoke to him in the most piteous and afflicted tone of voice, bewailing bitterly the negligence of Evans, who had ruined me by her delay. Then said I, my dear Mrs. Betty, for the love of God, run quickly and bring her with you. You know my lodging, and if ever you made dispatch in your life, do it at present. I am almost distracted with this

probability nothing more than the fruit of momentary irritation, or, seeing he had not by pleading guilty obtained that pardon he expected, an attempt to give dignity and consistency to his character, for it has been remarked by one who was but

disappointment. The guards opened the doors; and I went down stairs with him, still conjuring him to make all possible dispatch. As soon as he cleared the door, I made him walk before me, for fear the centinel should take notice of his walk; but I still continued to press him to make all the dispatch he possibly could. At the bottom of the stairs, I met my dear Evans, into whose hands I confided him. I had before engaged Mr. Mills to be in readiness before the Tower, to conduct him to some place of safety in case we succeeded. He looked upon the affair so very improbable to succeed, that his astonishment when he saw us, threw him into such consternation, that he was almost out of himself; which Evans perceiving, with the greatest presence of mind, without telling him any thing, lest he should mistrust them, conducted him to some of her own friends, on whom she could rely, and so secured him, without which, we should have been undone. When she had conducted him, and left him with them, she returned to find Mr. Mills, who by this time had recovered himself from his astonishment. They went home together, and having found a place of security, they conducted him to it.

In the meanwhile, as I had pretended to have sent the young lady on a message, I was obliged to return up stairs, and go back to my lord's room, in the same feigned anxiety of being too late, so that every body seemed sincerely to sympathise with my distress. When I was in the room, I talked to him as if he had been really present, and answered my own questions in my lord's voice as nearly as I could imitate it. I walked up and down, as if we were conversing together, till I thought they had time enough thoroughly to clear themselves of the guards. I then thought proper to make off also. I opened the door, and stood half in it, that those in the outward chamber might hear what I said; but held it so close, that they could not look in. I bid my lord a formal farewell for that night; and added, that something more than usual must have happened, to make Evans negligent on this important occasion, who had always been so punctual on the smallest trifles; that I saw no other remedy than to go in person; that if the Tower were still open when I finished my business, I would return that night; but that he might be assured I would be with him as early in the morning, as I could gain admittance into the Tower; and I flattered myself I should bring favourable news. Then before I shut the door, I pulled through the string of the latch, so that it could only be opened on the inside. I then shut it with some degree of force, that I might be sure of its being well shut. I said to the servant as I passed by, who was ignorant of the whole transaction, that he need not carry in candles to his master till my lord sent for him, as he desired to finish some prayers first. I went down stairs and called a coach. As there were several on the stand, I drove home to my lodgings, where poor Mr. M'Kenzie had been waiting to carry the petition, in case my attempt had failed. I told him there was no

too well acquainted with the circumstances of the case, "that this lord did not join either so heartily or so premeditatedly in the affair as was expected; for there is no doubt but he might have brought far greater numbers of men into the field

need of any petition, as my lord was safe out of the Tower, and out of the hands of his enemies, as I hoped; but that I did not know where he was. I discharged the coach, and sent for a sedan chair, and went to the dutchess of Buccleugh, who expected me about that time, as I had begged of her to present the petition for me; having taken my precautions against all events, and asked if she were at home; and they answered that she expected me, and had another dutchess with her. I refused to go up stairs, as she had company with her, and I was not in a condition to see any other company. I begged to be shown into a chamber below stairs, and that they would have the goodness to send her grace's maid to me, having something to say to her. I had discharged the chair, lest I might be pursued and watched. When the maid came in, I desired her to present my most humble respects to her grace, who, they told me, had company with her, and to acquaint her, that this was my only reason for not coming up stairs. I also charged her with my sincerest thanks for her kind offer to accompany me when I went to present my petition. I added, that she might spare herself any further trouble, as it was now judged more advisable to present one general petition in the name of all. However, that I should never be unmindful of my particular obligations to her grace, which I would return very soon to acknowledge in person.

I then desired one of the servants to call a chair, and I went to the dutchess of Montrose, who had always borne a part in my distresses. When I arrived, she left her company, to deny herself, not being able to see me under the affliction which she judged me to be in. By mistake, however, I was admitted; so there was no remedy. She came to me; and, as my heart was in an ecstasy of joy, I expressed it in my countenance as she entered the room. I ran up to her in the transport of my joy. She appeared to be extremely shocked and frightened; and has since confessed to me, that she apprehended my trouble had thrown me out of myself, till I communicated my happiness to her. She then advised me to retire to some place of security; for that the king was highly displeased, and even enraged at the petition that I had presented to him, and had complained of it severely. I sent for another chair, for I always discharged them immediately, lest I might be pursued. Her grace said she would go to court, to see how the news of my lord's escape were received. When the news was brought to the king, he flew into an excess of passion, and said he was betrayed; for it could not have been done without some confederacy. He instantly dispatched two persons to the Tower, to see that the other prisoners were well secured, lest they should follow the example. Some threw the blame upon one, some upon another; the dutchess was the only one at court who knew it.

When I left the dutchess, I went to a house, which Evans had found out for me, and where she promised to acquaint me where my lord was. She

than he did; the great estate he possessed, the money he could command, his interest among the gentlemen, and which was above all, his being so well beloved as he was, could not have failed to have procured him many hundreds of followers

got thither some few minutes after me, and told me, that when she had seen him secure, she went in search of Mr. Mills, who, by the time had recovered himself from his astonishment; that he had returned to her house, where she had found him; and that he had removed my lord from the first place, where she had desired him to wait, to the house of a poor woman, directly opposite to the guard house. She had but one small room, up one pair of stairs, and a very small bed in it. We threw ourselves upon the bed, that we might not be heard walking up and down. She left us a bottle of wine and some bread, and Mrs. Mills brought us some more in her pocket the next day. We subsisted on this provision from Thursday till Saturday night, when Mrs. Mills came and conducted my lord to the Venetian ambassador's. We did not communicate the affair to his excellency; but one of his servants concealed him in his own room till Wednesday, on which day the ambassador's coach and six was to go down to Dover to meet his brother. My lord put on a livery, and went down in the retinue, without the least suspicion, to Dover, where Mr. Mitchell, (which was the name of the ambassador's servant) hired a small vessel, and immediately set sail for Calais. The passage was so remarkably short, that the captain threw out this reflection, that the wind could not have served better if his passengers had been flying for their lives, little thinking it to be really the case. Mr. Mitchell might have easily returned, without being suspected of having been concerned in my lord's escape; but my lord seemed inclined to have him continue with him, which he did, and has at present a good place under our young master.

This is as exact and as full an account of this affair, and of the persons concerned in it, as I could possibly give you, to the best of my memory, and you may rely on the truth of it.

For my part, I absconded to the house of a very honest man in Drury Lane, where I remained till I were assured of my lord's safe arrival on the continent. I then wrote to the dutchess of Buccleugh, (every body thought till then that I was gone off with my lord to tell her that I understood I was suspected of having contrived my lord's escape as was very natural to suppose; that if I could have been happy enough to have done it, I should be flattered to have the merit of it attributed to me; but that a bare suspicion without proof, could never be a sufficient ground for my being punished for a supposed offence, though it might be motive enough to me to provide a place of security; so I entreated her to procure leave for me to go with safety about my business. So far from granting my request, they were resolved to secure me if possible. After several debates, Mr. Solicitor General, who was an utter stranger to me, had the humanity to say, that since I showed so much respect to government as not to appear in public, it would be cruel to make any search after me: upon which it was decided, that if I remained concealed,

more than he had, if he had thought fit, for his concerns in the lead mines of Alstone-moor are very considerable, where several hundreds of men are employed under him, and get their bread from him, whom, there is no doubt, he might

no further search should be made, but that if I appeared either in England or Scotland, I should be secured. But that was not sufficient for me, unless I could submit to expose my son to beggary. My lord sent for me up to town in such haste, that I had no time to settle any thing before I left Scotland. I had in my hands all the family papers: I dared trust them to nobody. My house might have been searched without warning, consequently, they were far from being secure there. In this distress I had the precaution to bury them under ground; and nobody but the gardener and myself knew where they were. I did the same with other things of value. The event proved that I had acted prudently; for after my departure they searched the house, and God knows what might have transpired from these papers.

All these circumstances rendered my presence absolutely necessary, otherwise they might have been lost; for, though they retained the highest preservation after one very severe winter, for when I took them up, they were as dry as if they came from the fireside, yet they could not possibly have remained so much longer without prejudice. In short, as I had once exposed my life for the safety of the father, I could not do less than hazard it once more for the fortune of the son. I had never travelled on horseback but from York to London, as I told you; but the difficulties did not now arise from the severity of the season, but from the fear of being known and arrested. To avoid this, I bought three saddle horses, and set off with my dear Evans and a very trusty servant, whom I brought with me out of Scotland. We put up at all the smallest inns on the road that could take in a few horses, and where I thought I was not known, for I was thoroughly known in all the considerable inns on the north road. Thus I arrived safe at Traquair, where I thought myself secure; for the lieutenant of the county being a friend of my lord's would not permit any search to be made for me, without sending me previous notice to abscond. Here I had the assurance to rest myself for two whole days, pretending that I was going to my own house with the leave of the government, and sent no notice to my own house, lest the magistrates of Dumfries might make too narrow inquiries about me; so they were ignorant of my arrival in the country till I was at home, where I still feigned to have permission to remain. To carry on the deceit the better, I sent for all my neighbours, and invited them to come to my house. I took up my papers at night, and sent them off to Traquair. It was a peculiar stroke of providence that I made the dispatch I did; for they soon suspected me; and, by a very favourable accident, one of them was overheard to say to the magistrates of Dumfries, that the next day they would insist upon seeing my leave from government. This was bruited about; and when I was told of it, I expressed my surprise that they had been so backward in coming to pay their respects; but, said I, better late than never; be sure to tell them that they shall be

easily have engaged. Besides this, the sweetness of his temper and disposition, in which he had few equals, had so secured him the affections of all his tenants, neighbours, and dependants, that multitudes would have lived and died with him.

welcome whenever they choose to come. This was after dinner; but I lost no time to put every thing in readiness, but with all possible secrecy, and the next morning before day-break I set off again for London with the same attendants; and, as before, I put up at the smallest inns, and arrived safe once more.

On my arrival, the report was still fresh of my journey into Scotland, in defiance of their prohibition. A lady informed me that the king was extremely incensed at the news; that he had issued orders to have me arrested; adding, that I did whatever I pleased in spite of all his designs; and that I had given him more anxiety and trouble than any woman in all Europe. For which reasons I kept myself as closely concealed as possible, till the heat of these rumours had abated. In the meanwhile, I took the opinion of a very famous lawyer, who was a man of the strictest probity; he advised me to go off as soon as they had ceased searching for me. I followed his advice, and, about a fortnight after, I escaped without any accident whatever.

The reason he alleged for his opinion was this, that although in other circumstances a wife cannot be prosecuted for saving her husband; yet, in cases of high treason, according to the rigour of the law, the head of a wife is responsible for that of a husband; and, as the king was so highly incensed, there could be no answering for the consequences; and he, therefore, entreated me to leave the kingdom.

The king's resentment was greatly augmented by the petition which I presented, contrary to his express orders; but my lord was very anxious that a petition might be presented, hoping that it would be at least serviceable to me. I was, in my own mind, convinced that it would answer no purpose; but, as I wished to please my lord, I desired him to have it drawn up; and I undertook to make it come to the king's hand, notwithstanding all the precautions he had taken to avoid it. So the first day I heard that the king was to go to the drawing room, I dressed myself in black, as if I had been in mourning, and sent for Mrs. Morgan, (the same who accompanied me to the Tower) because, as I did not know his majesty personally, I might have mistaken some other person for him. She staid by me, and told me when he was coming. I had also another lady with me; and we three remained in a room between the king's apartments and the drawing room; so that he was obliged to go through it; and, as there were three windows in it, we sat in the middle one, that I might have time enough to meet him before he could pass. I threw myself at his feet, and told him in French, that I was the unfortunate countess of Nithsdale, that he might not pretend to be ignorant of my person. But, perceiving that he wanted to go off without receiving my petition, I caught hold of the skirt of his coat, that he might stop and hear me. He endeavoured to escape out of my hands; but I kept such strong hold, that

The truth is, he was a man formed by nature to be universally beloved, for he was of so universal a beneficence, that he seemed to live for others. As he lived among his own people, there he spent his estate, and continually did offices of kindness

he dragged me upon my knees from the middle of the room to the very door of the drawing room. At last, one of the blue ribbons who attended his majesty, took me round the waist, whilst another wrested the coat out of my hands. The petition which I had endeavoured to thrust into his pocket fell down in the scuffle, and I almost fainted away through grief and disappointment.

One of the gentlemen in waiting picked up the petition; and as I knew that it ought to have been given to the lord of the bed-chamber, who was then in waiting, I wrote to him, and entreated him to do me the favour to read the petition which I had had the honour to present to his majesty. Fortunately for me, it happened to be my lord Dorset, with whom Mrs. Morgan was very intimate. Accordingly, she went into the drawing room, and delivered him the letter, which he received very graciously. He could not read it then, as he was at cards with the prince; but as soon as ever the game was over he read it, and behaved, as I afterwards learned, with the warmest zeal for my interest, and was seconded by the duke of Montrose, who had seen me in the anti-chamber, and wanted to speak to me. But I made him a sign not to come near me, lest his acquaintance might thwart my designs. They read over the petition several times, but without any success; but it became the topic of their conversation the rest of the evening; and the harshness with which I had been treated soon spread abroad, not much to the honour of the king. Many people reflected, that they had themselves presented petitions to the late king, and that he had never rejected any, even from the most indigent objects; but that this behaviour to a person of my quality was a strong instance of brutality.

These reflections, which circulated about, raised the king to the highest pitch of hatred and indignation against my person, as he has since allowed: for when all the ladies, whose husbands had been concerned in the affair, presented their petition for dower, mine was presented among the rest; but the king said I was not entitled to the same privilege; and in fact I was excluded; and it was remarkable that he would never suffer my name to be mentioned. For these reasons, every body judged it prudent for me to leave the kingdom; for, so long as this hatred of the king subsisted, it was not probable that I could escape falling into his hands. I accordingly went abroad.

This is the full narrative of what you desired, and of all the transactions which passed relative to this affair. Nobody living, besides yourself, could have obtained it from me; but the obligations I owe you, throw me under the necessity of refusing you nothing that lies in my power to do.

As this is for yourself alone, your indulgence will excuse all the faults which must occur in this long recital. The truth you may depend upon. Attend to that, and overlook all deficiencies.

and good neighbourhood to every body as opportunity offered. He kept a house of generous hospitality and noble entertainment, which few in that country do, and none come up to. He was very charitable to poor and distressed families on all occasions, whether known to him or not, and whether papist or protestant. His fate will be sensibly felt by a great many who had no kindness for the cause he died in, and who heartily wish he had not forwarded his ruin and their loss, by his indiscretion in joining in this mad as well as wicked undertaking.* That a man of so much intrinsic excellence of character, should have so rashly engaged in so desperate an undertaking, might well excite our surprise, did we not know how easily the human mind imposes upon itself. The scheme in which he had embarked could not, by any means short of an immediate interposition of the Deity, have been accomplished without a vast loss of life, the destruction of much property, and the ruin of many families; yet, it is probable, such a man, looking only at a part of the plan, saw in it nothing but justice, and so far as he prosecuted it, felt himself, as he supposed, exercising the purest philanthropy. He died as he had lived, in the faith of the church of Rome, and over his melancholy exit, the vast concourse of spectators was dissolved in tears.

Kenmure made no speech at the place of execution, but he wrote a letter the preceding day to a friend, in which he expressed his concern that he had been induced to plead guilty upon his trial, and his firm adherence to the chevalier. "He was a grave, full aged gentleman, of extraordinary knowledge and experience in public and political business, though utterly a stranger to all military affairs; of a singular good temper, and too calm and mild," for a commander, "being both plain in his dress, and in his address."† He appeared, in perfect consonance with this character, on the scaffold, calm, sensible, resolute and resigned, and professed himself a devout member of the church of England.

My lord desires you to be assured of his sincere friendship. I am, with the strongest attachment, my dear sister, yours most affectionately,

(Signed) WINEFRED NITHSDALE.

Transactions of the Society of the Scottish Antiquaries, vol. i. pp. 523—528.

* Patten's History of the Rebellion, pp. 59, 60.

† *Ibid.* pp. 51, 52.

The earl of Winton, when he came to give his answers to the articles of impeachment, on the twenty-third, pled not guilty, and requested farther time to prepare his defence, which was granted. His trial came on on the fifteenth of March, when he was found guilty, and sentence of death pronounced upon him in the same terms as upon his associates. His execution was however deferred, and, on the fourth of August following, he found means to escape from the Tower, made his way to the continent, and died at Rome, unmarried, the nineteenth of December, 1749, at the advanced age of seventy, being the last of an honourable family, which had flourished in East Lothian for upwards of eight hundred years.*

A commission of Oyer and Terminer was, in the meantime, issued for trying the prisoners at Preston, who had not been sent up to London, but left in Lancashire. The judges appointed upon this commission, were baron Bury, justice Eyre, and baron Montague, who, with their attendants, set out from London on the fourth of January, and arrived at Liverpool on the eleventh. The court was opened on the twelfth. Bills of indictment were found against forty-eight of the prisoners, copies of which being given them, the court adjourned for eight days that the prisoners might have time to prepare their defences. During these eight days, the prisoners at Chester, and at Lancaster, were brought to Liverpool, and the grand jury found bills against one hundred and thirteen of them, forty of whom were Scotchmen.

The court met again on the twentieth, and, by the ninth of February, seventy persons were tried, sixty-seven of whom were found guilty, and condemned to die. Of these five were executed at Preston on the twenty-eighth of January, and one of their heads fixed upon a pole on the Town Hall there. Seven more were executed, at the same place, on the ninth of February, and seven at Wigan on the tenth. Seven were executed at Manchester on the eleventh, among whom was the mob-captain, the famous Tom Syddal, whose head was placed on the cross there. Three were executed at Liverpool, four

* Rae's History of the Rebellion, p. 577. Gordon's Lives, &c. Douglas' P-erage of Scotland, by Wood, vol. ii. p. 648.

at Garstang, and four at Lancaster. For the execution of the rest, neither time nor place was appointed.

Previous to the trial, the unhappy prisoners flattered themselves that it was impossible the government could proceed against so many, and it was even said that his majesty durst not touch the life of one of them. Now, however, finding the folly of these anticipations, and being assured that there were still some hopes of mercy, if it was applied for in proper time, those who were yet to be put upon trial, joined in a petition to the court, acknowledging their guilt, and soliciting to be transported. To this request the judges acceded, which finished their proceedings, and, on the tenth of February, they departed for London, leaving the prisoners to the merchants of Liverpool, to be transported to the plantations in America.

These trials were contemporaneous with the stay of the chevalier in Scotland, and they could not by his ephemeral reign there, be greatly affected either one way or another. Several of the criminals made speeches at the place of execution—a few of them were truly penitent, but by far the greater part of them persisted in their rebellion, and avowed their adherence to the house of Stuart.

Besides the peers who had been disposed of in Westminster hall, and those who had been tried at Liverpool, there were a number of gentlemen taken at Preston, and carried to London, who still remained prisoners in the Marshalsea, Newgate, and the Fleet, these, according to the law, should have been sent down to take their trials in Lancashire, where their crimes had been committed. For some reason or other, this was thought to be inconvenient, and a bill was brought into parliament, intituled, A Bill for the more speedy trial of such persons as have waged war against his majesty in the late rebellion, which was passed, and received the royal assent upon the sixth of March. By this act, a court was constituted in Southwark, and judges appointed for the trial of those persons who were confined in the Marshalsea, and a commission ordered to try those in Newgate and the Fleet, at the court of common pleas in Westminster.

On the seventh of March, the new commission for the trials

in Westminster met, and bills of indictment for high treason, were prepared against Thomas Forster, commander-in-chief of the rebels in England, colonel Henry Oxburgh his director, brigadier M'Intosh, William Shaftoe,* Robert Talbot, Charles Wogan, Thomas Hall, Richard Gascoigne, Alexander Menzies, James Menzies, and John Robertson. Copies of their indictments being given them, the court adjourned, allowing them a week to prepare their defences. The court met again on the fourteenth, but general Forster having broken out of Newgate on the night of the tenth, was by this time safely landed at Calais. The court, however, proceeded to the trial of those that remained, when brigadier M'Intosh, Mr. Gascoigne, &c. being arraigned, pled not guilty, and craving farther time to prepare their defences, were allowed three weeks. Instead of employing this time for defence, however, they employed it in devising the means of escape, and, on the night of the fourth of May, M'Intosh, with fifteen more of the prisoners, having knocked down the keepers, and forced the doors, made their way out of Newgate. A proclamation was immediately issued, offering, as in the case of Forster, one thousand pounds for the apprehension of M'Intosh, and five hundred for each of those that were along with him. Some of them mistaking their way in the streets, were apprehended before they got off, but none of the others were ever discovered.

On the seventh the court sat again, when fourteen more were arraigned, who also pled not guilty, and had time allowed them to prepare their defences. The same day, the court proceeded with the trial of colonel Henry Oxburgh, who was found guilty, and sentenced to be executed at Tyburn on the eleventh, which was done accordingly, and his head placed on Temple-

* This was Shaftoe of Bavington, and a justice of the peace for the county of Northumberland. He was brought into the rebellion chiefly by the instigation of his lady, being "a gentleman of an easy temper." "I shall add a story of him," says Mr. Patten, "when in Newgate with Mr. John Hall, afterwards executed, which has something diverting in it. He says seriously to Mr. Hall, cousin Jack, I am thinking upon what is told us, 'that God will visit the sins of the fathers unto the third and fourth generations.' I am of opinion it is so with us, for your grandfather and my grandfather got most of their estates as sequestrators, and now we must lose them again for being rebels!" *History of the Rebellion*, p. 134.

bar. He was the principal agent of the rebels in England, being the leading one, of those employed by the party to travel over the country with intelligence to their friends, and to conduct the various negotiations that were thought to be necessary for their successful rising. "As to matters of conduct," says Mr. Patten, "Mr. Forster, though he was called general, yet always submitted to the counsel of colonel Oxburgh, who was formerly a soldier, and had obtained a great reputation, though it is manifest in our case, that he either wanted conduct or courage, or perhaps both. He was better at his beads and prayers, than at his business as a soldier, and we all thought him fitter for a priest than a field officer. It must be owned he was very devout in his religion, and that is all the good we can say of him; and that devotion," Patten tauntingly concludes, alluding to his execution, "he has since had great occasion for in another place."*

The same court sat again on the sixteenth, when John Hall of Otterburn, and Robert Talbot, Esqrs. were tried and found guilty; Mr. Gascoigne, and several others were also tried, and though the former made an able defence, they were all found guilty. On the eighteenth, seven were found guilty, four of them by their own confession, and three by the jury. These, however, were all reprieved, except Mr. Gascoigne, who was executed at Tyburn on the twenty-fifth.

The court appointed at Southwark, sat down on the tenth of April, and the grand jury of the county found true bills against eleven of the prisoners in the Marshalsea the same day. Copies of the indictment being furnished to the pannels, the court was adjourned from time to time, that they might have time to prepare their defences till the eighth day of May, on which day two were tried, and one found guilty. On the eleventh one was tried, and after an able and obstinate defence, found guilty. On the twelfth, five who had pled not guilty, retracted their plea, and threw themselves upon his majesty's clemency. Two were the same day acquitted, having proven most satisfactorily that they were forced into the rebellion contrary to their inclinations. On the thirtieth of June, two were tried

* Patten's History of the Rebellion, pp. 120, 121.

and found guilty, and on the fifth of July and succeeding days, ten more were convicted, which finished the business of this court.

The commission appointed at Westminster, met again, July the fourth, and on that and the subsequent days of the month, about thirty persons were brought to trial, the greater part of whom pled guilty. Among this number was Mr. Paul, the Cambridge clerk, who supplied to the rebels the place of Mr. Buxton, the Derbyshire clergyman, and left them only the day previous to their being invested in Preston by general Wills. This finished the business with regard to the trial of those rebels who had been taken in England.

In the meantime, the current of public business was rapidly receding into its usual and ordinary channels. The General Assembly of the church of Scotland was convened at Edinburgh, on the third of May, 1716, with all the usual formalities, John Duke of Rothes being commissioner, and the Rev. William Hamilton chosen moderator. His majesty in a most gracious letter to this assembly was pleased to say:—"The fresh proofs you have given us during the course of the late unhappy and unnatural rebellion, of your firm adherence to those principles on which the security of our government, and the happiness of our subjects do entirely depend, and the accounts we have from time to time received of your great care to infuse the same into the people under your charge, do engage us to return you our hearty thanks, and to renew to you the assurances we have formerly given you of our unalterable resolution to maintain the established government of the church of that part of our kingdom of Great Britain, in the full enjoyment of all just rights and privileges:"—"And, as we have nothing more in view than promoting true religion and piety, the restoring the peace and quiet of the country, that all our subjects may have it in their power to be happy under our administration, and be easy with regard both to their religious and civil concerns, your concurring on your parts to the carrying on of these laudable ends, and your answering these our just views, for the public tranquillity both of church and state, is what we earnestly recommend to you."*

* Letter to the General Assembly, 1716.

"We accept," say the assembly in return, "with the greatest thankfulness your majesty's royal favour in continuing to countenance our assemblies, and the honour of your gracious letter to us. The notice your majesty is pleased to take of our behaviour upon occasion of the late unhappy and unnatural rebellion, as it greatly heightens our satisfaction in having been enabled by the divine assistance to exert ourselves in any way answerably to our duty to your majesty, so it puts us under new obligations to lay out ourselves as we have access to advance the interest of your majesty's government, upon the peace and prosperity whereof the preservation of our holy religion, and our own safety, under God, do entirely depend.

"That your majesty should have, in your great condescension, put so high an honour upon us as to give us thanks for doing what was our unquestionable duty and interest, is a proof of that distinguishing goodness which makes so bright a part of your majesty's princely character.

"We cannot sufficiently express the grateful sense we have of your majesty's goodness in giving us repeated assurances of your unalterable resolution to maintain the established government of our church in the full enjoyment of all just rights and privileges, which gives us full hopes that in due time we shall obtain redress of the grievances that we were brought under before your majesty came to the throne, and which were laid before your majesty by a memorial from the last General Assembly."

Perhaps it had been prudent in the assembly to have spoken a little more guardedly of his majesty's "great condescension," "distinguishing goodness," &c. &c. till he had attended to some of these grievances, and as far as lay in his power redressed them. Indeed, it is not easy to comprehend the meaning of so much panegyric when nothing at all had been done but what his majesty had come under a solemn oath to see observed—and, after reading the following paragraph, it would certainly require some little effort, for one who had not other means of being informed, to believe that their grievances had any existence, except as a form, which it was customary to employ once a year:—"Your majesty's having

nothing more in your view than the promoting of true religion and piety, and making all your people happy under your administration, leaves us utterly inexcusable should we not, on our part, concur, as we have access, for advancing those great and noble ends, since we are, in the great goodness of God, by a very peculiar providence, under the influence of a prince who is so great a pattern and encourager of piety and virtue. We should be wanting to the duty we owe to God and to the best of kings, if we did not endeavour, by our deportment, to answer the just expectations your majesty is pleased to have of our prudence and moderation in this assembly." Language a little less complimentary, even when addressed to a king, and a good king, might surely be used without impropriety by the ministers of Christ's independent and spiritual kingdom, assembled to administer the affairs of that kingdom in his name, and by his authority, as the great Head of the church, and under a civil constitution which recognizes their authority so to do, as formally and fully as it recognizes the authority and right of the monarch to reign. The following paragraph from the same letter is worthy of being transcribed, as containing an important historical fact, which, in our opinion, demonstrates, after all that has been said and written to the contrary, that the chevalier had but a slender hold of the affections of the Scottish people, even in the most remote and uncultivated corners of the country:—"We adore the blessed God who, in great mercy to us, hath brought your majesty to the throne, and appeared so gloriously in behalf of your just cause, giving you victory over your unprovoked and ungrateful enemies, and, to our amazement, blessed your councils and arms with such speedy success in restoring peace and tranquillity, that the remotest places and islands are represented in this assembly."*

This assembly also, in addition to what is stated in the letter referred to above, voted a congratulatory address to his majesty on the suppression of the rebellion, which may be taken as a pretty fair statement of public feeling upon that memorable occasion:—"We, your majesty's most dutiful and

* Printed Acts of Assembly, 1716.

most loyal subjects, the ministers and elders of the General Assembly of the church of Scotland, cannot look upon ourselves as sitting again under your majesty's most auspicious protection after the late wicked rebellion, which threatened us with the loss of so dear a blessing, without expressing our unfeigned thanks to the Almighty, and declaring to the world our inward joy for your majesty's successes, and our own deliverance.

" Safe under your majesty's happy government we can look back on the blackest scenes of the late unnatural treason ; we can see Rome, in league with the enemy of our church and state, sowing the seeds of rebellion, souring the minds of heedless people with groundless jealousies, plotting the destruction of your royal person, on which our happiness, with that of all the protestant churches, under God, doth depend ; and breaking out at length into open war with such multitudes of armed traitors as seemed for a season irresistible : and, at the same time, we can view with pleasure, heaven interposing in your majesty's behalf and in ours, seating your majesty so seasonably upon the throne, early disclosing the hidden treason, guiding your majesty's steady councils, leading your victorious general, the duke of Argyle, to the unexpected overthrow of such unequal numbers, and conducting him in the pursuit of the pretender to your crown, till, by an inglorious flight, he left our country free from the great dangers we were in from the rebellion, and his deluded friends filled with confusion. Upon all which we cannot but with thankful hearts acknowledge our deep sense of your majesty's wise and fatherly care for your loyal subjects, which neither the extraordinary rigour of the season, nor the fallacious proposals of the rebels could divert from the necessary means of their speedy relief," &c. &c.*

There was but little transacted at this assembly of public interest. The society for propagating christian knowledge was, as usual, recommended to the liberality of the public. The long depending case of professor Simpson was left in the hands of the committee formerly appointed, whose powers were renewed by the assembly, they having been prevented

* Printed Acts of Assembly, 1716.

from bringing their labours to a close by the confusion consequent upon the rebellion. It was referred to the commission to give assistance to ministers in obtaining reparation of the damages they sustained by being plundered by the rebels, and for recovering the public libraries, which, it appears, they had, in some instances, taken away. An injunction was also laid on the procurator and agents for the church, to assist Mr. William M'Ghee [or Mackay], at Balmaghie, in obtaining possession of his church and manse, and removing Mr. John Mackmillan therefrom; but we do not suppose that any thing was done in this affair at that time, at least, if there was, it was not done successfully, for we find, that years after this Mr. Mackmillan was still at Balmaghie. With a particular view to advantage the Highlands, which did then, as they do still, labour under several disadvantages, this assembly passed an act forbidding the settlement of any preacher, having Gaelic, in the Lowlands, or transporting any minister from the Highlands to the Lowlands, without special allowance from the General Assembly.* After fixing the next meeting of assembly for the first Thursday of May, 1717, the assembly was dissolved, with the usual forms, on the sixteenth of May.

We have already seen part of the proceedings of the parliament, with regard to the rebels, and that high court went on to pass bills of attainder against the chiefs of the rebellion in Scotland, the earls of Marr, Linlithgow, Marischal, Seaforth, Southesk, Panmure, the marquis of Tullibardine, lord Drummond, &c. &c. A bill was also passed to "indemnify such persons who have acted in defence of his majesty's person and government, and for the preservation of the public peace of this kingdom, in and about the time of the late unnatural rebellion, from vexatious suits and prosecutions," &c. &c.; a bill for more effectually securing the peace of the Highlands of Scotland, by disarming the people; and a bill for appointing commissioners to inquire into the estates which were forfeited by the rebellion, which the king had promised to give up for the public service. A separate bill was also passed for attainting general Forster, and brigadier M'Intosh.

* See Unprinted Acts of Assembly, 1716.

Afraid, in the present unsettled state of public feeling, to commit themselves in a general election, the ministry this session, and at this time, brought in a bill, which has been oftener the subject of discussion, and was certainly a matter of more doubtful policy than any of those we have mentioned, for extending the duration of parliaments from three to seven years. The subject was introduced into the house of lords, on the tenth of April, by the duke of Devonshire, who represented triennial parliaments as only serving to keep up party divisions, to foment feuds in families, to produce ruinous expenses, and to encourage the intrigues of foreign princes, which, especially in the present temper of the nation, might be attended with consequences fatal to its best interests. Dangers so alarming he proposed to provide against by enlarging the term of parliaments to seven in place of three years. He was supported by the earls of Dorset and Rockingham, the duke of Argyle, the lord Townshend, and all the leaders of that party, by a tissue of sophistical reasonings, if reasonings they must be called, that history blushes to record. The *tories*, who have ever since been the principal supporters of this bill, violently opposed its introduction. The earl of Nottingham observed that frequent parliaments were required by the fundamental laws of the kingdom, ascertained by the practice of many ages. Nottingham was followed by the earls of Abingdon and Poulet, with many arguments that have never yet been satisfactorily answered, though they, too, betrayed their own cause by supporting it with abundance of sophistry. The bill, however, was carried by a great majority in both houses, and has ever since been adhered to. A bill was also passed to enable his majesty to visit his German dominions, and, on the twenty-sixth of June, the session was closed.

Domestic affairs being thus settled to the entire satisfaction of the king and his ministers, his majesty, having appointed general Carpenter commander-in-chief of all the forces in Scotland, in the room of the duke of Argyle—who had, not without good grounds, fallen under some degree of suspicion—the duke of Montrose clerk register, in room of the earl of Ilay, lord Lovat governor of Inverness, the earl of Sutherland president of the Scottish chamberlainry, and his royal high-

ness, George, prince of Wales, regent of the kingdom of Great Britain, departed for Holland on the seventh, where he landed on the ninth of July, on his way to Hanover.

On the eighth, the day after his majesty's departure, the prince, on opening his commission in the council, signed the death warrant for twenty-four of the state criminals, who had been temporarily reprieved by his majesty, fixing Friday the thirteenth as the day for their execution. This was a great surprise to them, as from the circumstance of his majesty's departure, they had calculated upon escaping. Twenty-two of them, however, were reprieved upon the Thursday. The remaining two, the Rev. William Paul, and Mr. John Hall, of Otterburn, were executed upon the Friday, according to their sentence. Both of these gentlemen had been urgent with the government for mercy; but both made extraordinary speeches at the place of execution,* and arrogated to themselves all the honours of martyrdom.

* The following is that of Mr. William Paul:—Good people, I am just going to make my appearance in the other world, where I must give an account of all the actions of my past life: and tho' I have endeavoured to make my peace with God, by sincerely repenting of all my sins, yet, forasmuch as several of them are of a publick nature, I take it to be my duty to declare here, in the face of the world, my hearty abhorrence and detestation of them. And first, I ask pardon of God and the king, for having violated my loyalty, by taking most abominable oaths in defence of usurpation, against my lawful sovereign, king James the third.

And as I ask pardon of all persons whom I have injured or offended, so I do especially desire forgiveness of all those whom I have scandalized by pleading guilty. I am sensible that it is a base and dishonourable action; that it is inconsistent with my duty to the king, and an entire surrender of my loyalty. Human frailty, and too great a desire of life, together with the persuasions of several who pretended to be my friends, were the occasion of it. I trust God, of his infinite mercy upon my sincere repentance, has forgiven me; and I hope all good Christians will. You see, my countrymen, by my habit, that I die a son, though a very unworthy one, of the Church of England; but I would not have you think that I am a member of the schismatical church, whose bishops set themselves up in opposition to those orthodox fathers, who were unlawfully and invalidly deprived by the Prince of Orange. I declare that I renounce that communion, and that I die a dutiful and faithful member of the nonjuring church; which has kept itself free from rebellion and schism, and has preserved and maintained true orthodox principles, both as to church and state. And I desire the clergy, and all members of the revolution church, to consider what bottom they stand upon, when their succession is grounded

The act suspending the *habeas corpus*, expired on the twenty-fourth of June; and the earl of Scarsdale, the lords Duplin and Powis, and several other private gentlemen, took immediate advantage of it, and were admitted to bail. In a short time after,

upon an unlawful and invalid deprivation of catholick bishops, the only foundation of which deprivation, is a pretended act of parliament.

Having asked forgiveness for myself, I come now to forgive others. I pardon those, who, under the notion of friendship, persuaded me to plead guilty. I heartily forgive all my most inveterate enemies; especially the elector of Hanover, my lord Townshend, and all others who have been instrumental in promoting my death. Father, forgive them; Lord Jesus have mercy upon them, and lay not this sin to their charge.

The next thing I have to do, Christian friends, is to exhort you all to return to your duty. Remember that king James the third is your only rightful sovereign, by the laws of the land, and the constitution of the kingdom. And, therefore, if you would perform the duty of justice to him, which is due to all mankind, you are obliged, in conscience, to do all you can to restore him to his crown; for it is his right, and no man in the world, besides himself, can lawfully claim a title to it. And as it is your duty to serve him, so it is your interest; for till he is restored, the nation can never be happy. You see what miseries and calamities have befallen these kingdoms by the revolution; and I believe you are now convinced, by woeful experience, that swerving from God's laws, and thereby putting yourselves out of his protection, is not the way to secure you from those evils and misfortunes, which you are afraid of in this world. Before the revolution, you thought your religion, liberties, and properties, in danger; and I pray you to consider how you have preserved them by rebelling. Are they not ten times more precarious than ever? Who can say he is certain of his life, or estate, when he considers the proceedings of the present administration? And as for your religion, is it not evident, that the revolution, instead of keeping out popery, has let in atheism? Do not heresies abound every day? and are not the teachers of false doctrines, patronised by the great men in the government? This shows the kindness and affection they have for the church; and to give you another instance of their respect and reverence for it, you are now going to see a priest of the Church of England murdered for doing his duty. For it is not me they strike at so particularly; but it is thro' me they wound the priesthood, bring a disgrace upon the gown, and a scandal upon my sacred function. But they would do well to remember, that he who despises Christ's priests, despises Christ; and he who despises him, despises him that sent him.

And now, beloved, if you have any regard to your country, which lies bleeding under these dreadful extremities, bring the king to his just and undoubted right. That is the only way to be freed from these misfortunes, and to secure all those rights and privileges, which are in danger at present. King James has promised to protect and defend the church of England; he has given his royal word to consent to such laws, which yourselves shall think

Sir William Windham, Mr. Harvey of Combe, Lockhart of Carnwath, the earls of Wigton and Hume, with several others, both in Scotland and England, who had been taken up as suspected persons when the rebellion broke out, took the benefit

necessary to be made for its preservation. And his majesty is a prince of that justice, virtue, and honour, that you have no manner of reason to doubt the performance of his royal promise. He studies nothing so much as how to make you all easy and happy; and whenever he comes to his kingdoms, I doubt not but you will be so.

I shall be heartily glad, good people, if what I have said has any effect upon you, so as to be instrumental in making you perform your duty. It is out of my power now to do any thing more to serve the king, than by employing some of the few minutes I have to live in this world, in praying to Almighty God to shower down his blessings, spiritual and temporal, upon his head—to protect him and restore him—to be favourable to his undertaking—to prosper him here, and to reward him hereafter. I beseech the same infinite goodness to preserve and defend the church of England, and to restore it to all its just rights and privileges; and, lastly, I pray God to have mercy upon me, pardon my sins, and receive my soul into his everlasting kingdom: that with the patriarchs, prophets, apostles, and martyrs, I may praise and magnify him for ever and ever. Amen.

As to my body, brethren, I have taken no manner of care of it; for I value not the barbarous part of the sentence, of being cut down and quartered. When I am once gone, I shall be out of the reach of my enemies; and I wish I had quarters enough to send to every parish in the kingdom, to testify, that a clergyman of the Church of England was martyred for being loyal to his king.

July 15th, 1716.

WILLIAM PAUL.

Notwithstanding this gasconade, Mr. Paul wrote, only three days previous to the date of his speech, two most humble letters to his grace the lord archbishop of Canterbury, imploring his lordship's interposition to procure a pardon upon almost any terms. The first is as follows:—"May it please your grace: At my tryal, I thought I had a very good plea, but was advised by the lawers, as the surest way to obtain mercy, to plead guilty; upon which I threw myself wholly upon the king's mercy. What confession the court would have from me, I can't tell. I am sure your grace would not have me, for the world, speak more than I know. I declare before Almighty God, upon the word of a clergyman, I never brought any letter out of Preston, or went to any one gentleman, or spoke the least thing that tended that way, viz. to rebellion; but came into my own country as fast as I could, and so to London, where I was seized and sent to Newgate. I humbly desire your grace once more to believe me, and to use your utmost endeavours to save a poor clergyman's life. If it will not be granted to spend the remainder of it in England, I beg you'll be pleased to send me to the plantations, or any where, rather than Tyburn.

of the *habeas corpus*, and were set at liberty. A general order was at the same time issued, for the liberation, without bail, of all who had surrendered themselves, upon being summoned by government in the previous summer, all those who had deserted from the rebels before leaving Perth, and all servants who had been prisoners with their masters in London. The marquis of Huntly, Glengarry, and several others in Scotland, received a full and free pardon, in regard of their having quitted in time the service of the chevalier. Some at London were liberated before trial, and many reprieved.

Though the prisoners in England were thus disposed of, and part of those in Scotland, there still remained those who had been taken at Dunfermline, Sheriffmuir, &c. who were confined in the castles of Edinburgh, Stirling, and Blackness. For the trial of these, a court of Oyer and Terminer was appointed to sit at Carlisle, in the month of November, 1716. This court consisted of the lord chief baron Smith, barons Scroop and Price, Mr. Justice Tarcy, &c.; and it gave very great offence to all

I humbly desire your grace to consider your poor afflicted servant, and take him from this nasty prison, &c. &c.—P. S. My lord, I never did, since I was in Newgate, pray for the pretender by any name or title.”

Mr. Paul's second letter to the archbishop, is nearly in the same terms as the first, only, perhaps, a little more ardent for mercy, and showing still more strongly the worthlessness of his professions; the following was sent to lord Townshend the night before his execution:—"My lord, Mr. Patten was so kind to pay me a visit in my affliction, and desired me, if I knew any thing relating to the government, I would declare it. My lord, I solemnly declare, I call Almighty God to witness, I carried no letter off from Preston, though I told Mr. Patten so, which was only a faint, that I might go off; and if Mr. Patten will do me justice, he can tell your lordship how uneasy I was when I discovered my rashness. My lord, I depend solely upon your lordship's goodness, in this my miserable condition. I wish, my lord, I could have my life saved, that I might show to the world how heartily I am sorry for all my past errors, and no man shall demonstrate it more than, my lord, &c. &c. My lord, Mr. Patten saith it is an aggravation to my crime, that I prayed in express terms, in Newgate, for the pretender, by the name of king James; I declare I never did; I once more crave your lordship's kind assistance to procure me my life."

So much for the integrity of merely political martyrs. Mr. Hall's speech, and his conduct, were so much of a piece with Mr. Paul's, that we did not think it necessary to trouble the reader either with quotations or remarks. *Vide* Remarks on the Speeches of William Paul, clerk, and John Hall of Otterburn, &c. London, printed for J. Baker, and T. Warner, M.DCC.XVI.

true Scotchmen, who regarded this procedure as an open breach of the articles of Union, which expressly reserved the jurisdiction of the court of justiciary; and stipulated, that no subject of Scotland should be tried by any other court, or out of the kingdom, for crimes committed within it. This objection against bringing the prisoners to Carlisle, was urged by many who were no friends to their cause; and it was believed, that the prisoners, many of whom were no mean personages, would plead it in bar of trial, or, at least, in arrest of judgment. Only one, however, did so, and the court overruled his plea. Every mean that could be thought of had been used, to prevent the prisoners, generally, from having recourse to this plea, which it would not have been easy to set aside, without irritating, in a very high degree, the feelings of a country, which had, upon the whole, discovered any thing but a disloyal spirit. It was represented to the prisoners, that the court would most certainly set aside this plea; and by the laws of England, under which they would be then placed, they would be pressed to death, if they refused to plead to the indictment preferred against them; or if the court should find out some expedient to try them without their pleading, then they could expect no mercy from the government. These suggestions, however weak and unreasonable, wrought upon the natural fears of the prisoners, and, in hopes of mercy, they all (with the exception we have already stated) pled guilty to their several indictments, except four who pled not guilty; of these four, one was acquitted, two had a *noti prosequi* for some secret services they had done, and the fourth, brigadier Campbell, of Ormundel, made his escape when his trial should have come on. Mr. Hay, the individual who had the hardihood to decline the jurisdiction of the court, finding that his plea was to be overruled, withdrew it next day, pled guilty with his fellows, and afterwards made his escape out of prison.*

Though this court might be in its constitution, as regarded Scotchmen, somewhat irregular, and of course somewhat harsh to Scotch feeling, it was by no means bloodthirsty. Thirty-four of the prisoners were set at liberty by his majesty's cle-

* Campbell's Life of John, Duke of Argyle, pp. 269—273.

mency, without being brought to trial; and of thirty-two that were tried, though twenty-four were sentenced to be put to death, no day was fixed for that purpose, and the sentence was never put in execution. Nothing can be more absurd than the charges of vindictive cruelty, and insatiate thirst for blood, which has been so liberally charged upon George and his ministers, not only by the factious leaders, and the tory libellers of that day, but by too many of the historians of latter times, who seem to have forgotten that this was an insurrection, not so much against the new dynasty, as against the expanding principles of freedom, of which, perhaps by chance rather than of choice, that dynasty had become the natural guardians, and that the leaders thereof, especially in Scotland, had qualified themselves for the service, the greater part of them at least, by long lives of duplicity, and the most openly avowed perjury; while in England, the actors had been regularly exercised to outrage, robbery, and murder, ever since the bustling days of Dr. Sacheverel, during which period their lives had been often forfeited to the laws, had the laws been fairly administered, and sufficiently strong to have laid hold upon them. The truth is, that instead of being pursued with extraordinary severity, these deluded visionaries were, in many instances, treated with uncommon lenity, especially when we consider that their disappointment had neither corrected their principles, nor improved their understandings. They had inflicted a deep wound upon their country, and had totally ruined themselves, without benefiting their cause in the smallest degree; but they continued to dream of it as fondly as ever, and at the very time when their friends were embracing the gallows, were compassing the ends of the earth, to renew the hopeless and pernicious attempt.

The watchful vigilance of the earl of Stair, and the peculiar circumstances of the regent, the duke of Orleans, having rendered it impossible for the chevalier and his party to find assistance, or even protection for the present, from the government of France, the party cast their eyes upon that mad monarch, Charles XII. of Sweden, who had just returned from his Turkish captivity, and were already negotiating with him to place the chevalier upon the throne of Britain. By joining

the confederacy that had been formed against him in his absence, and especially by purchasing the dutchies of Bremen and Verden, which had formerly constituted a part of the dominions of the Swede, George had exasperated the fiery spirit of Charles to a high degree, and this exasperation, he was well aware, nothing but the most ample vengeance could pacify. To guard against this vengeance, was the principal end he had in view, in his visit, at this time, to the continent. Charles, however, was inexorable, and would not so much as listen to any overture, till Bremen and Verden should be restored. Bremen and Verden, George had purchased from the king of Denmark, and was determined to keep, even if it should be at the risk of a war with Sweden. To strengthen his interest, and more effectually secure him from the approaches of the pretender on the one side, he entered into what has been called the triple alliance. This was negotiated by general Cadogan, on the part of England; the Abbe du Bois, on the part of France; and the pensionary Heinsius, on the part of the States General. On the part of France, it was stipulated, that the pretender should immediately depart from Avignon to the other side of the Alps, and return to France or Lorraine on no pretence whatever—that no rebellious subjects of Great Britain should be allowed to reside in that kingdom—and that with respect to the demolition of Dunkirk, the treaty of Utrecht should be executed in all respects to the satisfaction of his Britannic majesty. All the places possessed by the contracting parties, were mutually guaranteed, with the protestant succession to the throne of England; and, in case of the death of the young king, that of the duke of Orleans to the throne of France. It contained also a defensive article, stating the proportion of ships, troops, &c. to be furnished to that power that should be shaken by factions at home, or invaded from abroad.* This treaty was not at all popular in England. It was supposed to give unnecessary umbrage to Spain, with whom there was at that time much commercial intercourse; and it was alleged, that, on pretence of invasion, foreign troops sufficient to enslave the nation might be introduced.

* Smollett's History of England. Annals of England, &c.

A scheme was, in the meantime, formed for an inroad on the British Islands, by the king of Sweden, with a body of troops sufficient to cover the assembling of the malecontents from the various quarters of the kingdom. Charles himself entered into the project with great spirit, as it flattered his ambition, and promised to gratify his revenge; and it was encouraged by the czar of Muscovy, who had taken great offence at the offer made by the king of Great Britain to join Charles, and support him against Russia, provided he would allow him peaceably to retain Bremen and Verden. The ministers of Sweden, at the courts of London, Paris, and the Hague, became of course the agents of the pretender, and held a close correspondence with the disaffected subjects of Great Britain. The king returned to England about the middle of January, 1717, when he ordered a detachment of the foot guards to seize upon count Gyllenburgh, the Swedish minister, with all his papers. Sir Joseph Bankes, and Mr. Charles Cesar, were seized upon at the same time. Baron Gortz, the Swedish residuary in Holland, was also secured with all his papers, at Arnheim, at the request of the British minister at the Hague. The baron admitted that he had projected the invasion of Great Britain, and justified himself by the conduct of king George; who, without provocation, had joined the confederacy against his master, the king of Sweden—had assisted the king of Denmark to subdue the dutchies of Bremen and Verden, and had, in the issue, made a purchase of them from the usurper; and who had, in the course of this very summer, sent a strong fleet into the Baltic to cruise against the fleets of Sweden. It had been intended to open the parliament with a general indemnity, but these circumstances made the indemnity for the present to be laid aside.

When the parliament assembled on the twentieth of February, 1717, his majesty informed them of the triple alliance he had concluded, of the projected invasion, and—while he had ordered copies of the letters which had passed between the Swedish ministers on the subject, by which it would be found that the scheme projected by baron Gortz was plausible, ripe for execution, and had only been postponed till the army

should be reduced, and the Dutch auxiliaries sent back to their own country—demanded of the commons such supplies as should be found necessary for the defence of the kingdom. Both houses in return addressed his majesty in terms highly complimentary. They praised his prudence “in attempting to repair, by new conventions with foreign potentates, the gross defects of the treacherous and dishonourable treaty of Utrecht; and they expressed the utmost horror and indignation at the malice and ingratitude of those who still continued to encourage the invasion of the country by a foreign enemy.” Addresses of the same tenor were presented from the dissenting ministers, and from the university of Cambridge.

The commons passed a bill, prohibiting all commerce with Sweden; they voted ten thousand seamen for the ensuing year, and about a million of money for the maintenance of guards, garrisons, and land forces. They likewise voted four and twenty thousand pounds for the payment of four battalions of Munster, and two of Saxe-Gotha, which the king had taken into his service, to supply the place of such as might be, during the rebellion, withdrawn from the garrisons of the States General to the assistance of England. All this, however, was supposed to be insufficient, and his majesty sent a message for an extraordinary supply, that he might be the better able to meet the dangers with which his kingdoms were threatened from Sweden, which was also complied with, though not without many severe remarks from the opposition. Among other sarcastic questions, it was pertinently asked by a member, How this nation, so lately the terror of France and Spain, came to be in so much alarm for an adversary so inconsiderable as the king of Sweden? The king of Sweden was not now, indeed, in a condition for any such extensive undertaking. By the extravagance of his measures, he had dissipated his armies, and reduced his kingdom to the very brink of ruin. An exhausted exchequer, decaying commerce, and a starving population, must have repressed, even in the bosom of Charles himself, however romantic his views, or however generous his feelings, an idea so extravagant and so hopeless. It is not at all improbable, however, that Charles and his advisers—if he ever listened to advice—intended to profit by the credulity of

James and his friends, in order to raise those supplies that were wanted much nearer home, and would have been applied to a very different purpose, than that of overturning the throne of England. This view of the matter is strongly countenanced by Lockhart, who says, "there was a surmise that the king [James] had some hopes of gaining the king of Sweden to espouse his cause, and the first notice to be depended on was a letter from the earl of Marr, to captain Straiton, which he directed to be communicated to the bishop of Edinburgh, the lord Balmarino, and myself; wherein he signified, that if five or six thousand bolls of meal could be purchased by the king's friends, and sent to Sweden, where there was a great scarcity, it would be of great service to the king. But we foresaw so many difficulties in raising a sum of money sufficient for it, —most of those who formerly would have contributed to the king, being exiles, or forfeited; and such as were not so, nevertheless in great straits, by the losses they sustained, and the depredations of their estates during the war, and by the great charges they were at in supporting their distressed friends abroad and at home,—and withal so impracticable to collect and embark such a quantity of meal, without being discovered, and creating some suspicion in the government, that we could not think of undertaking it with any hopes of success."*

This scheme having failed, as any person of common understanding, in the least acquainted with the state of Scotland at the time, would have anticipated, an attempt was made, not much more hopeful, to raise a sum of money. A letter from Marr, directed to the same persons, in the same manner as the former, and not long after it, assured them that "there was a design to restore his majesty by the assistance of a certain pious prince, and as the want of ready money to be employed when the king's service required it, had hitherto been a great impediment to his affairs, he wished we could fall on ways to persuade his friends to have in readiness what sums they severally could afford, and would venture in his cause when a fair opportunity offered. This, for the reasons above narrated, was a matter of the greatest difficulty, and, as the other three persons [captain

* Lockhart Papers, vol. ii. p. 7, 8.

Stralton, bishop Fullarton, and lord Balmarino] were, either by the bad state of their healths, or other circumstances no ways fit to go about as agents in such an affair, the burden," says Lockhart, "was laid upon me, and I had much better success than I expected, having got assurances in the most solemn manner, from several persons of honour, that they would take care to be in a condition to answer his majesty's call. The earl of Eglinton offered three thousand guineas, and signified so much by a letter to the king, and the others would amongst them have advanced a good round sum." This was all well, but there was a notice at the same time sent both to the king and the earl of Marr, that probably rendered it as good as nothing for their purpose. The notice was this, "That as this country, did not abound in riches, and that the loyal party were less now than ever in a condition to raise money, they were humbly of opinion, that nothing of this kind should be demanded from them, but when matters were so well concerted, and so far advanced, that the main stroke was to be struck."*

The above seems to have concluded the negotiations in Scotland with regard to the king of Sweden, who was shortly after killed by a cannon ball, or, as some say, shot from his own trenches, at the siege of Frederickstadt, in Norway. "The Scots Tories were obliged at this time", as Lockhart remarks, "to keep themselves very quiet, and lived in the most retired manner, for many who were not actually in arms, had by other ways been assistant to the royal cause as their circumstances allowed, and occasions offered, and none of that complexion," he adds, with a virulency, that in a partizan of his temper and standing is perhaps excuseable, "could tell how far even innocence was sufficient to protect them against a set of vindictive and blood-thirsty men." Of course the historian of Scotland finds almost nothing at this period to record. The trial of Oxford, who had been a prisoner in the Tower for nearly two years, came on on the twenty-fourth day of June, and in consequence of dissensions between the two houses of parliament, he was acquitted. The commons, however, presented an address to the king, praying that he might be excepted from the Act of Grace that was about to be passed, which his majesty promised

* Lockhart Papers, vol. ii. p. 7, s.

them should be done. By virtue of this said act, which was passed on the fifteenth of July, the earl of Carnwath, and the lords Widdrington and Nairn were discharged, together with all the gentlemen under sentence of death in Newgate, and also all, who, on account of the rebellion, were confined in the Fleet, the Marshalsea, and other prisons in the kingdom. From this indulgence were excepted the earl of Oxford, Mr. Prior, Mr. Thomas Harley, Mr. Arthur Moore, Crisp, Nodes, Obryan, Redmarne the printer, Thompson, the assassins in Newgate, and the clan Macgregor in Scotland.

In the next session of parliament, which met in November, a bill was passed for vesting the forfeited estates in Britain and Ireland in the hands of trustees, to be sold for the benefit of the public, for giving relief to the creditors upon these estates by determining their claims, and for bringing more effectually into the respective exchequers, the rents and profits of the estates till sold. Longer time was also allowed for the different claims to be given in, and out of the sale of the estates in Scotland, twenty thousand pounds were reserved for the erection of schools, and eight thousand for building barracks in that kingdom.*

* Annals of George I. Smollett's History, &c. &c.

The following is an Abstract of the Rental of the greater part of the Forfeited Estates Real, lying in Scotland, taken by the Surveyor, and his Deputy, upon the oaths of the several Tenants, Possessors, &c. by order of the Commissioners of Enquiry, in the years 1716, and 1717.

1.—Estate of George, late Earl of Winton.

Money, Rent payable in money, ...	L.965	7	9
Wheat, 1,685 bolls, 2 firlots, 2 pecks, 3 4-15th lippies, at 10s. 5d. per boll.	876	18	4
Barley, 1,957 bolls, 2 firlots, 2 pecks, 1 3-15th lippies, at do.	1,019	12	2
Oats, 318 bolls, 3 firlots, 3 pecks, 1 1/4 lippies, at do.	166	19	2
Straw, 504 thraves, at 5d. per thrave,	10	10	0
Capons, 796 1/4, at 10d. each,	31	4	4
Hens, 608 1/4, at 6 1/2d. each,	82	5	8
Salt Pans, 12—and 2 Coal Pitts, reckoned about, ...	1,000	0	0
	L.3,393	10	5

2.—Estate of James, late Earl of Southesk.

Money, Rent payable in money, ...	L.1,178	6	4
Wheat, 146 bolls, 2 firlots, at 6s. 11d. per boll, ...	50	17	4
Barley, 2,675 bolls, 1 firlot, 3 pecks, at do.	929	19	6
Oats, 237 bolls, at do.	82	5	10
Oatmeal, 2,773 bolls, 1 peck, at do.—	968	8	6
Rye, 16 bolls, at do.
Geese, 85, at 1s. each.—Capons, 775, at 6d. each, ...	25	16	6
Poultry, 2,124, at 4d. each, ...	35	8	2
Chickens, 47, at 5d. each.—Swine, 2, at 10s. each, ...	1	7	10
	L.3,371	10	0

3.—Estate of James, late Earl of Linlithgow.

Money, Rent payable in money, ...	L.1,109	12	1
Barley, 159 bolls, 2 lippies, at 6s. 11 1/2 per boll, ...	55	7	6
Oatmeal, 167 bolls, 1 peck, at do. per boll, ...	57	16	7
Hens, 436, at 5d. each.—Chickens, 738, at 2d. ...	15	4	8
	L.1,238	0	0

4.—Estate of James Stirling, late of Kcir.

Money, Rent payable in money, ...	L.625	19	10
Barley, 308 bolls, 1 peck, 2 lippies, at 6s. 11 1/2d. per boll, ...	106	12	0
Oatmeal, 426 bolls, 2 firlots, 1 peck, at do. ...	148	1	9
Malt, 5 bolls, at do. per boll, ...	1	14	8
Wethers, 16, at 6s. 6d. per wether, ...	4	8	0
Geese, 19, at 1s. each, ...	0	19	0
Capons, 124, at 8d. each, ...	6	2	8
Hens, 530, at 6d. each, ...	13	5	0
Cheese, 2 stone, at 3s. 4d. per stone, ...	0	6	8
Butter, 4 lb. at 3d. per lb. ...	0	1	0
	L.900	17	5

5.—Estate of James, late Earl of Panmure.

Money, Rent payable in money, ...	L.1,243	17	11
Wheat, 243 bolls, 1 firlot, 2 pecks, at 6s. 11d. per boll, ...	74	2	11

The General Assembly was convened at Edinburgh the second of May, 1717, John, earl of Rothes, commissioner, Mr. William Mitchell, moderator. After exchanging the usual compliments with his majesty, which was done in the usual form,

Barley, 2013 bolls, 1 firiot, 2 pecks, at do. per boll, ...	686	5	9
Oatmeal, 2,303 bolls, 3 firlots, 3 pecks, at do. per boll, ...	702	2	0
Oats, 110 bolls, 1 firiot, 3 pecks, at do. per boll, ...	38	3	9
Geese, 8, at 1s. each.—Capons, 456, at 6d. each, ...	11	16	0
Chickens, 456, at 1½ each.—Hens, 312, at 3d. each, ...	6	15	0
Elk Linen, 60½, at 6d. per ell, ...	1	10	3
Wethers, 14, at 3s. 4d. per wether, ...	2	6	8
Butter, 7 lb. at 3d. per lb. ...	0	1	9
	L.3,437	3	0

6.—*Estate of George Home, late of Wedderburn.*

Money, Rent payable in money, ...	L.906	3	10
Capons, 31, at 6d. each.—Hens, 57, at 5d. each, ...	1	19	3
Carriage of Coals, 59 loads, at 6d. per load, ...	1	6	0
Carriages, 42, at 1s. 8d. per carriage, ...	3	10	0
	L.913	0	1

7.—*Estate of James Home, late of Ayrton.*

Money, Rent payable in money, ...	L.114	16	0
Barley, 379 bolls, 3 firlots, at 10s. 5d. per boll, ...	142	1	1
Oats, 96 bolls, at do. per boll, ...	50	0	0
Capons, 26 at 8d. each.—Hens, 125, at 6d. each, ...	5	14	10
Carriages, 113, at 1s. 8d. per carriage, ...	9	8	4
Coals, carriage of 36 loads, at 6d. per carriage, ...	0	19	0
Swine, 1, at ...	0	11	1
	L.383	10	4

8.—*Estate of William, late Viscount of Kilsyth.*

Money, Rent payable in money, ...	L.702	12	2
Barley, 144 bolls, at 10s. 5d. per boll, ...	75	0	0
Oatmeal, 167 bolls, 3 firlots, at do. per boll, ...	87	7	4
	L.864	19	6

9.—*Estate of Sir Hugh Paterson, late of Bannockburn.*

Money, Rent payable in money, ...	L.981	17	7
Barley, 78 bolls, 2 firlots, at 10s. 6d. per boll, ...	41	4	2
Malt, 30 bolls, at do. per boll, ...	10	10	0
Oats, 27 bolls, 3 firlots, at do. per boll, ...	14	11	3
Oatmeal, 91 bolls, 2 firlots, at do. per boll, ...	46	0	8
Straw, 109 thraves, at 5d. per thrave, ...	2	5	5
Hens, 238, at 5d. each.—Capons, 238, at 8d. each, ...	14	3	6
	L.412	12	7

10.—*Estate of Robert Cross, late of East Reston.*

Money, Rent payable in money, ...	L.91	14	5
Barley, 25 bolls, at 10s. 5d. per boll, ...	13	0	5
Oats, 46 bolls, at do. per boll, ...	25	0	0
Capons, 60, at 8d. each, ...	2	0	0
Hens, 24, at 5d. each, ...	0	10	0
Carriages, 63, at 1s. 6d. each, ...	5	6	0
	L.137	9	10

11.—*Estate of John, late Earl of Marr, in the counties of Stirling and Clackmannan.*

Money, Rent payable in money, ...	L.630	0	0
Wheat, Barley, Beans, Oats, 643 bolls, at 10s. 5d. ...	334	17	11
Oatmeal, 449 bolls, 3 firlots, 1 peck, at do. per boll, ...	234	5	6
Mustard seed, 4 pecks, 3 lippies, at 1s. 4d. per peck, ...	0	6	4
Straw, 168 turses, at 1s. 8d. per turse, ...	14	0	0
Capons, 490, at 10d. a-piece, ...	20	8	4
Poultry, 953, at 6d. each.—Geese, 79, at 2s. each, ...	31	17	0
Ducks, 42, at 6d. each.—Butter, 1 stone, at 6s. 8d. ...	1	7	8
Swine, 1, at ...	0	11	1

Earl of Mar's Estate in the county of Aberdeen.

Money, Rent payable in money, ...	L.317	6	6
Barley, 56 bolls, at 6s. 11d. per boll, ...	19	7	4
Oatmeal, 116 bolls, 3 pecks, at do. per boll, ...	40	4	10
Wethers, 16, at 3s. 4d. per wether, ...	2	13	4
Capons, 90, at 6d. each.—Hens, 137, at 3d. each, ...	3	19	3
Chickens, 272, at 2d. each.—Geese, 42, at 1s. 1d. ...	4	10	10
Linen, 4 yards, at 7d. per yard, ...	0	2	4
Fests, 1039 loads, at 2d. per load, ...	8	13	2
	L.1,184	9	5

12.—*Estate of John Stewart, late of Inverurie.*

Money, Rent payable in money, ...	L.351	19	11
Barley, 6 bolls, at 6s. 11d. per boll, ...	2	1	4
Oatmeal, 4 bolls, 3 firlots, 3 pecks, at do. per boll, ...	0	9	0
Geese, 4, at 1s. each.—Wethers, 1, at 5s. Capons, 145, at 5d. each.—Hens, 24, at 3d. each, ...	3	6	5
Chickens, 222, at 1½d. each, ...	1	15	3
Hens, Yarn, 8, at 6d. per hesp, ...	0	4	0
Hens Yarn, 24, at 1d. per beer, ...	0	2	0
	L.361	13	24

The principal part of the Tenants of this Estate pay the tenth lamb, and tenth fleece of wool.

13.—*Estate of Major-General Gordon, late of Auchintoul.*

Money, Rent payable in money, ...	L.147	18	6
Barley 25 bolls, at 6s. 11d. per boll, ...	8	12	11
Oatmeal, 501 bolls, 1 firiot, 3 pecks, at do. ...	173	8	29
Wethers, 24, at 3s. 4d. per wether, ...	4	0	0
Lambs, 15, at 1s. 1d. per lamb, ...	0	16	3
Capons, 132, at 4d. each.—Hens, 292, at 3d. each, ...	5	14	6
Chickens, 120, at 1d. each, ...	0	10	0
Butter, 10 stone, at 4s. 5d. per stone.—Sow, 1, at 11s. 4d. ...	2	15	6
9 lests, at 4s. per lest, ...	1	16	0
Fests, { 36 foot, 1d. per foot, } { 12 loads, at 2d. per foot } ...	0	3	0
	L.345	17	34

14.—*Estate of Robert Rollo, late of Poughouse.*

Money, Rent payable in money, ...	L.70	8	6
Barley, 184 bolls, at 10s. 5d. per boll, ...	95	16	8
Oatmeal, 331 bolls, at do. ...	173	7	11
Pease and Beans, 39 bolls, at do. per boll, ...	30	6	3
Geese, 5, at 2s. each.—Ducks 15, at 7d. each, ...	1	0	9

only they were not leavened, on the part of the assembly, with the mention of any grievances as they were last year, the assembly passed a variety of acts, most of them repetitions of former ones. One of them, however, entitled "An act for pre-

Poultry, 54, at 6d. each.—Hens, 300, at 6d. each, ...	8 17 0
Capons, 83, at 10d. each.—Swine, 1, at 11s. ...	4 8 6
Pests, 16,000, at 4s. per thousand, ...	3 4 0
	<hr/> L.1,216 9 7

15.—*Estate of Geo. M'Kenzie, late of Nutthill.*

Money, Rent payable in money, ...	L.45 3 10
Barley, 56 bolts, at 7s. per boll, ...	19 12 0
Oats, 4 bolts, at do.—Hens, 48, at 5d. each, ...	2 8 0
Cheese, 2 stone, at 2s. 8d.—Ewe wool, 4 stone, at 4s. ...	1 1 4
Wether wool, 24 stone, at 4s. per stone, ...	4 16 0
	<hr/> L.74 0 2

16.—*Estate of James Springeour, late of Bowhill.*

Money, Rent payable in money, ...	L.16 2 4
Barley, 16 bolts, at 7s. per boll, ...	5 12 0
Oats, 16 bolts, at do.—Hens, 94, at 5d. each, ...	6 2 0
	<hr/> L.27 16 4

17.—*Estate of Patrick Seaton, late of Lathrib.*

Money, Rent payable in money, ...	L.16 16 0
Barley, 185 bolts, 2 firlots, at 7s. per boll, ...	64 18 6
Oats, 207 bolts, 1 firlot, at do. ...	72 10 9
Cocks, 5, at 5d. each.—Capons, 60, at 7d. each, ...	1 17 1
Hens, 237, at 5d. each.—Chickens, 54, at 2d. ...	5 7 9
Geese, 20, at 1s. each.—Linen, 14 ells, at 7d. ...	1 2 2
Butter, 1 stone, at 6s. 8d.—Yarn, 96 heers, at 1d. ...	0 14 8
	<hr/> L.163 12 11

18.—*Estate of William Douglas, late of Glenberry.*

Money, Rent payable in money, ...	L.20 0 0
Wheat, 8 bolts, at 7s. per boll, ...	2 16 0
Barley, 64 bolts, at do.—Oats, 68 bolts, at do. ...	45 4 0
Oatmeal, 16 bolts, at do. per boll.—Capons, 12, at 1d. ...	5 19 0
Hens, 24, at 5d. each.—Poultry, 36, at 5d. each, ...	1 5 0
	<hr/> L.76 4 0

19.—*Estate of Sir John Preston, late of Preston hall.*

Money, Rent payable in money, ...	L.68 3 6
Barley and Oats, 459 bolts, 3 firlots, at 7s. per boll, ...	180 13 0
Chickens, 24, at 2d. each.—Poultry, 104, at 5d. each, ...	2 7 4
Straw, 4 thraves, at 4d. per thrave.—Swine, 1, at 11s. ...	0 12 4
	<hr/> L.231 16 2

20.—*Estate of Alexander Menzies, late of Woodend.*

Money, Rent payable in money, ...	L.85 4 9
Barley, 30 bolrs, at 7s. per boll, ...	10 10 0
Oatmeal, 13 bolts, 3 firlots, at do. ...	4 16 2½
Capons, 6, at 7d. each.—Poultry, 108, at 5d. each, ...	2 8 6
Carriages, 6 loads Coals, at 8d. per load, ...	0 4 0
	<hr/> L.83 3 5½

21.—*Estate of colonel John Bulfour, late of Paisley.*

Money, Rent payable in money, ...	L.36 16 8
Wheat, 20 bolts, at 6s. 11d. per boll, ...	6 13 4
Barley, 144 bolts, at do. ...	49 16 8
Oats, 141 bolts, at do.—Oatmeal, 20 bolts, at do. ...	55 13 7
Poultry, 180, at 5d. each, ...	3 15 0
	<hr/> L.122 19 5

22.—*Estate of the late Master of Naism.*

Money, Rent payable in money, ...	L.41 2 9
Barley, 19 bolts, 3 firlots, at 6s. 11d. per boll, ...	6 16 7
Oatmeal, 29 bolts, 1 firlot, at do. ...	10 2 3
Poultry, 111, at 5d. each, ...	2 6 3
	<hr/> L.60 7 10

23.—*Estate of Major Henry Bulfour, late of Dumboog.*

Barley, 195 bolts, 3 fir. at 7s. per boll, ...	68 10 3
Wheat, 78 bolts, at do.—Malt, 3 bolts, at do. ...	28 7 0
Oats, 197 bolts, at do.—Hens, 134, at 5d. each, ...	71 14 10
Cocks, 16, at 4d. each.—Capons, 68, at 7d. each, ...	2 5 0
Poultry, 20, at 5d. each.—Ducks, 3, at 7d. each, ...	0 10 1
	<hr/> L.171 7 2

24.—*Estate of the late Earl Marischal.*

Money, Rent payable in money, ...	L.622 4 7
Barley, 1072 bolts, 2 firlots, 2 pecks, at 7s. per boll, ...	375 8 4
Oatmeal, 1,689 bolts, 3 firlots, 3 lippies, at do. per boll, ...	864 8 8
Oats, 28 bolts, 2 firlots, 3 pecks, ½ lippie, at do. ...	9 6 2½
Wheat, 22 bolts, at do. per boll, ...	7 14 0
Wethers, 64, at 5s. per wether.—Lambs, 23, at 1s. 8d. ...	17 18 4
Swine 6, at 11s. 1d. each.—Eggs, 640, 1d. per dozen, ...	3 10 7
Capons, 355, at 6d. each.—Hens, 478, 3d. each, ...	15 7 0
Chickens, 142, at 2d. each.—Geese, 94, at 1s. 1d. ...	2 9 8
Marts, 21, 18s. 8d. each.—Pests, 37 loads, 6s. 8d. ...	29 16 8
	<hr/> L.1,668 4 5½

25.—*Estate of John Carstairs, late of Kilcomagh.*

Money, Rent payable in money, ...	L.42 1 7
Barley, 467 bolts, 1 firlot, 2 pecks, 2 lippies, at 7s. ...	163 10 16
Oatmeal, 123 bolts, at do. per boll, ...	43 1 0
Oats, 71 bolts, 2 firlots, 1 lippie, at do. per boll, ...	25 0 7
Bees, 10 bolts, at do. per boll.—Malt, 12 bolts, at do. ...	7 14 0
Mals, 12 bolts, at do. per boll, ...	4 4 0
Wethers, 2, 5s. each.—Grass, 26 wethers, 6d. each, ...	1 0 0
Capons, 34, at 7d. each.—Hens, 134, at 5d. each, ...	3 15 8
Poultry, 185, at 4d. each, ...	3 1 8
	<hr/> L.208 9 4

serving the purity of the doctrine of this church," determined the long depending process against professor Simpson, which, as it forms an era in the history of the Scottish church, and has been so often appealed to as a flagrant proof of her declension

26.—Estate of the late Lord Nairn.			Poultry, 91, at 4d. each.—Linen, 3		
Money, Rent payable in money, ...	L.671	7 3	yards, at 7d. per yard, ...	1 14	4
Barley, 47 bolls, at 7s. per boll ...	16	9 0		L.221	15 6
Meal, 82 bolls, 3 lhp. at do. per boll, ...	31	3 3			
Wethers, 19, at 5s. per wether, ...	4	15 0			
Capons, 128, at 7d. each, ...	3	14 8			
Poultry, 512, at 5d. each.—Swine, 5, at					
11s. each, ...	13	8 4			
	L.740	17 6			
27.—Estate of Sir David Threpland, late of Fingask.			31.—Estate of William, late Viscount of Kenmure.		
Money, Rent payable in money, ...	L.147	1 4	Money, Rent payable in money, ...	L.538	8 4
Barley, 144 bolls, at 7s. per boll, ...	50	8 0	Barley, 31 bolls, at 10s. 5d. per boll, ...	16	2 11
Oatmeal, 320 bolls, at do. per boll.—			Oats, 32 bolls.—Oatmeal, 11, at do. ...	22	7 11
Oats, 10 bolls, at do. ...	115	10 0	Wethers, 28, at 5s. per wether.—Ca-		
Wheat 48 bolls, at do.—Pease, 21 bolls,			pons, 61, at 7d. ...	8	5 7
at do. ...	26	3 0	Hens, 101, at 5d. each.—Chickens, 638,		
Yarn, 20 sps. 1 hamp, 3 hoers, at 2s. per sp.	2	0 9	at 2d. ...	7	13 5
Geese, 75, at 1s. each.—Capons, 77, at			Butter, 59 stone at 4s. 5d.—Tallow,		
7d. each, ...	6	3 11	5 stone, at 4s. 5d. ...	7	10 2
Hens, 31, at 5d. each.—Poultry, 508, at			Lamb, 1, at ...	0	1 6
4d. each, ...	9	3 1		L.600	9 0
Chickens, 90, at 9d. each.—Straw, 21					
thraves, at 4d. ...	0	10 4			
	L.355	0 8			
28.—Estate of John Hay, late of Cromlix.			32.—Estate of James, late Lord Drummond.		
Money, Rent payable in money, ...	L.274	2 7	Money, Rent payable in money, ...	L.2020	3 5
Barley, 224 bolls, 1 peck, 3 lippies, at			Barley, 322 bolls, 2 firlots, 1 peck, at 7s.		
7s. per boll, ...	78	8 8	per boll, ...	112	17 11
Oats, 26 bolls, at do. per boll, ...	9	2 0	Oatmeal, 916 bolls, at do.—Oats, 62		
Oatmeal, 12 bolls, 2 fir. at do. per boll,	26	8 6	bolls, at do. ...	342	6 0
Hens, 15, at 5d. each.—Poultry, 318, at			Wethers, 96, at 3s. 4d. each.—Lambs,		
4d. each, ...	5	12 8	40, at 1s. 1d. ...	18	3 4
Geese, 34, at 1s. 1d.—Capons, 41, at 7d.			Geese, 123, at 1s. 1d. each, ...	6	19 9
each, ...	3	0 9	Capons, 44, at 6d. each.—Hens, 530, at		
Straw, 69 thraves, at 4d. per thrave,	1	3 0	6d. each, ...	14	8 0
Ditto, 24 turves, at 1s. 1d. per turve,	1	6 0	Chickens, 341, at 1s. 8d. per dozen,	9	7 6
Peats, 579 loads, at 1d. per dozen loads,	2	14 4	Poultry, 1,468, at 3d. each, ...	18	12 0
Butter, 62 stone, at 4s. 5d. per stone.—			Eggs, 196 dozen, at 1½d. per dozen,	1	1 9
Cheese, 1, at 2s. 8d. ...	13	6 6	Winterings, 30, at 2s. 9d. per wintering,	4	2 6
	L.415	3 0	Kids, 33, at 1s. 1d. each.—Swine, 11, at		
			10s. each, ...	7	5 2
			Straw, 52 turves, 2 thraves, at 1s. 1d.		
			per turve, ...	2	16 10
			Cheese, 2½ stone, at 2s. 9d. per stone,	2	19 1½
			Butter, 90 pints, at 1s. 1d. per pint,	4	17 6
			Do. 10 stone, at 6s. 8d. per stone,	3	6 8
			Linen, 78 yards, at 7d. per yard,	2	5 8
			Nuts, 19 pecks, at 1s. 1d. per peck,	1	0 7
			Cress, 5 pair, 8d. a pair.—Peats, 800		
			loads, ...	0	16 0
				L.2,566	3 1½
29.—Estate of William, late Earl of Nithdale.			33.—Estate of Robert, late Lord Burleigh.		
Money, Rent payable in money, ...	L.740	10 10	Money, Rent payable in money, ...	L.349	5 2
Barley, 16 bolls, 2 firlots, Nithdale			Wheat, 39 bolls, 2 fir. at 7s. per boll, ...	13	16 6
measure, about 44 bolls, ordin.			Barley, 457 bolls, 1 peck, at do. per boll, ...	173	19 5
meas. 10s. 5d. per boll, ...	22	18 4	Oatmeal, 52 bolls, 2 fir. at do. per boll, ...	18	7 6
Oatmeal, 18 bolls, 1 peck, 2 lippies,			Oats, 342 bolls, 1 firiot, at do. per boll, ...	123	5 8
Nithdale meas. 41 bolls, 9 pecks,			Pease, 9 bolls, at do.—Hens, 271, at 5d.		
ordin. meas. at do. per boll, ...	90	8 5	each, ...	8	15 11
Multure Shill, 13 pecks, Nith. meas.			Chickens, 179, at 1½d. each.—Capons,		
about 2 bolls, 1 firiot, 9 pecks, or-			17½, at 8d. each, ...	7	2 0
dinar. meas. ...	1	3 11	Poultry, 63, at 4d. each.—Swine, 1 at		
Capons, 41, at 7d. each.—Hens, 547, at			11s. 1d. ...	1	14 1
5d. each, ...	8	8 6	Green Linen, 12 yards, at 6d. per yard,	0	6 0
Chickens, 55, at 2d. each, ...	0	9 2	Shearers, 4, at 10s. each.—Shear dirgs,		
Casting Peats, at 1d. per dozen loads,	0	13 6	4, at 5d. each, ...	2	1 8
	L.803	2 8	Straw, 115 thraves, at 4d. per thrave,	1	18 4
				L.700	12 3
30.—Estate of Alexander Farquharson, late of Inverny.			34.—Estate of John Walkinshaw, late of Scotstown.		
Money, Rent payable in money, ...	L.214	17 6	Money, Rent payable in money, ...	L.109	3 4
Barley and Oatmeal, 93 bolls, at 7s. per			Capons, 6, at 8d. each.—Hens, 43, at		
boll, ...	32	11 0	5d. each, ...	1	1 11
Wethers, 5, at 3s. 4d. per wether, ...	0	16 8		L.110	8 3
Malt, 4 bolls, at 7s. per boll.—Capons,					
16, at 6d. each, ...	1	16 0			

from the purity of gospel doctrine, we shall give, in its most important parts, without abridgement:—"The General Assembly considering, that although professor Simpson does declare his adherence to our Confession of Faith, and doctrines therein contained, as his judgment, and his disowning the errors opposite thereto, wherewith he was charged; yet, considering that by his printed answers, and the letters written by him to the now deceased Mr. Robert Rowan, sometime minister at Penninghame, and his letter to the foresaid committee, for purity of doctrine, dated the fourteenth of April, 1716 years, he hath given offence, and that it is judged that therein he hath vented some opinions not necessary to be taught in divinity, and that

35.—*Estate of William Graham, late of Dumfries.*

Money, Rent payable in money, ...	L.39 8 4
Barley, 80 bolls, at 7s. per boll, ...	7 0 0
Oatmeal, 90 bolls, at do.—Yarn, 4 sps. at 2s. per sp. ...	7 8 0
Capons, 12, at 8d. each.—Hens, 12, at 4d. each, ...	0 10 0
	<u>L.54 6 4</u>

36.—*Estate of William Grier, jun. late of Lagg.*

Money, Rent payable in money, ...	L.424 15 0
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37.—*Estate of Robert, late Earl of Carnwath.*

Money, Rent payable in money, ...	L.783 5 2
Oatmeal, 15 bolls, 1 peck, 3 lippies, at L.1 8s. 8d. per boll, ...	21 15 2
Multure Shill, 16 bolls, 2 firlots, 1 peck, 3 lippies, at L.2 17s. 4d. per boll, ...	47 12 8

Horse Corn, 1 boll, 2 firlots, at L.1 8s. 8d. ...	2 5 0
Peats, 195 loads, at 1d. per load, ...	0 16 3
Hens, 33, at 5d. each.—Fowls, 450, at 4d. each, ...	8 3 9
Poultry, 42, at 4d. each, ...	0 14 0
	<u>L.863 2 0</u>

38.—*Estate of Mr. Basil Hamilton, late of Baldoon.*

Money, Rent payable in money, ...	L.1,225 12 8
Barley, 127 bolls, 2 firlots, 2 pecks, at 13s. 10d. per boll, ...	88 5 4
Malt, 2 bolls, at do. per boll, ...	1 7 8
Oats, 244 bolls, 1 firiot, at do. ...	168 13 1
Capons, 138, at 8d. each.—Hens, 12, at 5d. each, ...	4 17 0
Chickens, 636, at 8d. each, ...	5 6 0
Tallow, 1 stone, at ...	0 4 5
	<u>L.1,494 11 2</u>

Sum of the foregoing Articles.

1. Wintoun, ...	23,393 10 5	31. Fairny, ...	2122 19 5
2. Southesque, ...	3,271 10 0	32. Mr. of Nairn, ...	60 7 10
3. Linlithgow, ...	1,238 0 0	33. Dunboog, ...	171 7 2
4. Keir, ...	900 17 5	34. Earl Marisc, ...	1,668 4 5
5. Panmure, ...	3,437 3 0	35. Kilconquhar, ...	293 9 4
6. Wedderburn, ...	213 0 1	36. Lord Nairn, ...	740 17 6
7. Aytoun, ...	323 10 4	37. Fingask, ...	356 0 5
8. Kilsyth, ...	864 19 6	38. Cromlix, ...	415 3 0
9. Bannockburn, ...	412 12 7	39. Nithsdale, ...	803 2 8
10. East Reston, ...	137 9 10	40. Inneray, ...	281 15 6
11. Mar, ...	1,184 9 5	41. Kennure, ...	600 9 0
12. Invernitie, ...	361 12 24	42. Drummond, ...	2,596 3 1
13. Auchintow, ...	345 17 3	43. Burleigh, ...	700 12 3
14. Powhouse, ...	1,216 9 7	44. Scotstown, ...	110 6 3
15. Nutthill, ...	74 0 2	45. Dumtoun, ...	54 6 4
16. Bowhill, ...	27 16 4	46. Lagg, ...	424 15 0
17. Lathrisk, ...	163 12 11	47. Carnwath, ...	865 2 0
18. Glenberry, ...	76 4 0	48. Baldoon, ...	1,424 12 2
19. Preston-hall, ...	231 16 2		
20. Woodend, ...	83 3 5		
			<u>229,686 7 114</u>

In the foregoing abstract, there are evidently several inaccuracies, which, having met only with one copy, it has not been in the author's power to rectify. Upon the whole, however, he believes it to come near the truth. In 1723, it was determined by the house of lords, that only the life rent of Nithsdale's estate was forfeited. Nairn's was forfeited only during the life of John, lord Nairn and an act of parliament was passed, 1717, to enable his majesty to make provision for the wife and children of James, earl of Southesk, out of his estate. From the Lockhart Papers, vol. ii. p. 88, we learn also, that through the management of the lord advocate, Dundas of Arncliffe, the estate of Baldoon was saved from forfeiture, along with several others which he has not specified.

have given more occasion to strife, than to the promoting of edification, that he hath used some expressions that bear, and are used by adversaries in a bad and unsound sense, and for answering more satisfactorily (as he supposeth) the cavils and objections of adversaries, he hath adopted some hypotheses different from what are commonly used among orthodox divines, that are not evidently founded on scripture, and tend to attribute too much to natural reason, and the power of corrupt nature, which undue advancement of reason and nature is always to the disparagement of revelation and efficacious free grace. The General Assembly, for the reasons above mentioned, prohibits and discharges the said Mr. John Simpson to use such expressions, or to teach, preach, or otherwise vent such opinions, propositions, or hypotheses, as aforesaid. And, as concerning the parties in this process, whatever complaints have been made as to the manner of raising or managing this process on either hand, the General Assembly for peace's sake, do overlook and pass those, without further insisting thereon, and do discharge any prosecution on either side on these accounts," &c. &c.*

This was surely "a very gentle censure," but "there were so many members in the assembly, who either had been his scholars, or were his relations, comrades, or acquaintances, who stood up for saving him,"† that any other could not be obtained.

This assembly the same day that they so easily passed over the errors of professor Simpson, condemned the following propositions laid down by the presbytery of Auchterarder:—"That it is not sound and orthodox to teach that we must forsake sin in order to our coming to Christ, and instating us in covenant with God," declaring "their abhorrence" of it "as unsound and most detestable," and it was "agreed that the presbytery should be called to account upon this head," a lamentable proof of what is stated above, by the authors of a Fair and Impartial Testimony, &c. that there were too many of professor Simpson's scholars in the assembly. An apology has been often made,

* Printed Acts of Assembly, 1717.

† Fair and Impartial Testimony, &c. pp. 42, 43.

and a defence set up for the assembly, from the wording of the proposition, which it may be readily admitted is susceptible of improvement, but it ought not to be overlooked that the proposition was not framed as a general abstraction, but for a particular and practical purpose, viz. to check the progress of Arminian and Baxterian errors, which were abounding in that neighbourhood, and it is no great compliment to the penetration of the assembly, to suppose them unaware of this circumstance. The truth is, Baxterianism, at least, had now evidently gained an ascendancy in the church of Scotland.*

This assembly also appointed the presbytery of Dumfries and Lochmaben "to go on in a process of excommunication against Mr. James Gilchrist, and Mr. John Taylor, (the former minister of Wamphray, and the latter minister of Dunscore) with all expedition, and the presbytery of Dumfries to commence a process of deposition against Mr. John Hepburn, for schismatick and irregular practices, and to adduce probation, providing they find he continues in his irregularities; but that presbytery is appointed before they begin the process, to take the best information they can get of Mr. Hepburn's carriage, and report to the commission in August next, and receive their orders thereanent, and the said presbytery ordered, when they have brought the said process *usque ad sententiam*, to lay the same before the commission, and the commission empowered to judge therein as they shall see cause, and also to apply to the civil magistrate, that effectual means may be used to put presbyteries in possession of the kirks and manses of deposed ministers."

There was no charge against any of these said ministers, either for error in doctrine, nor immorality in practice, but they were nonjurants, and differed with their brethren with regard to public managements. Of Mr. John Hepburn we have made ample mention already, and it does not appear that any thing further was done with regard to him. Mr. Taylor was admonished to avoid irregular courses, and Mr. Gilchrist was

* This will be more and more demonstrated as we go along, particularly in the acts concerning the Marrow of Modern Divinity.

actually excommunicated.* The conduct of the assembly and inferior judicatures towards these worthy men, was, at that time, a subject of lamentation to many excellent individuals belonging to the church of Scotland, both in public and in pri-

* The following letter from the General Correspondence of Old Dissenters, to the presbytery of Dumfries on this occasion, is a curious specimen of the spirit and feeling of the times:—

Gentlemen,

We y^e united Societys of a witnessing remnant of y^e Church of Scotland, met at Crawford John, having been certainly informed, y^t you are still persisting in your malicious and bitter opposition ag^t y^e Truth, & y^e y^t desire faithfully to adhere y^{unto}, as is picuilarly evident in your most unchristian treatment of Mr. James Gilchrist, min^r in Dunscore, q^d notwithstanding his being a man of a blameless and godly life, and well reported of beyond many o^{y^r}, you are resolving so much as in you ly^e to divest of all Christian priviledges, cast out of y^e Church of Christ, & deliver up to Satan. We say, being certainly informed of your persisting in this wicked design, we thought ourselves bound, by y^e word of God, & our Cov^t Engagements, so far to interest ourselves in y^e cause of Truth, & defence of y^e innocent, unjustly & maliciously pursued, prosecuted, & persecuted by you, q^d pretend yourselves a presbytery of y^e Church of Scotland, & servants of Jesus Christ, but by y^e actions ray^t evidence y^eselves, y^e servants of Satan, y^e we cannot omit y^e occasion, tho' we have formerly protested ag^t all your acts & proceedings in general, yet in p^ticular to bear testimony, & enter our protestation ag^t such an unchristian, cruel, & undeserved sentence as you intend to pronounce ag^t y^e ad Mr. James Gilchrist, for no o^{y^r} cause, y^e his faithfulness in opposing yo^r Church renting, religion ruining courses. Gentlemen, if Satan had not so filled your hearts, as to make you utterly stupid, and incapable of all conviction, you could not but see, y^t y^e prostituting y^e solemn & tremendous ordinance of Excommunication, to so base and unworthy ends, as the serving y^e lusts of your malice & envy, ag^t an innocent person, is y^e high way to draw down divine vengeance on y^eselves & y^e land, to ruin your owa reputation, if y^e were not deplorable already, w^t all y^e have y^e least spark of tenderness & concern for Truth, to debase y^e ordinance of Christ, and render it contemptible in y^e eyes of y^e loose & profane multitude, to pave a way for more bloody courses of persecution, & is an irrefragable proof of your inveterate malice, ag^t y^e Cov^ted Reformation, & of your palpable hypocrisy, while you pretend moderation for your Catholick principles, & yet in your practice discover y^e most ravenous & devouring temper ag^t y^e Truth & its followers. We would y^efore, if y^e were any hope, ye would yet be brought to consider y^e things, beseech & obtest you to desist from y^e evil course of yours, & be unfeignedly humbled for y^e length y^e have already gone on y^ein; q^d if you shall refuse to doe & continue obstinate in your perverse purpose, as we are fully persuaded your sentence shall not be ratified in heaven, so we protest it

vate life; it was improved, as laying a foundation for seceding from her communion, and it is to this day, along with other charges, triumphantly appealed to as an irrefragable proof of her early and native tendency to corruption.—The assembly broke up on the fifteenth, after appointing their next meeting to be held at Edinburgh, the fourteenth of May, 1718.

Public attention was at this time very much engrossed with the state of the currency, which the various methods fallen upon to supply the prodigious drain occasioned by the expensive wars in which the nation had been so long engaged had greatly deranged. Silver coin had nearly disappeared, being exported for gold, from the high price of which, a profit of one shilling and threepence was obtained upon the coinage of the guinea. After considering a representation on the subject from Sir Isaac Newton, master of the mint, the house of commons addressed his majesty, requesting that a proclamation might be issued, forbidding the guinea to be taken for any more than twenty-one shillings, which was done accordingly, and a bill passed both houses, fixing the weight, fineness, and denomination of both gold and silver coins, and particularly prohibiting the melting down of the latter.*

The Jacobites seem at this time to have been mostly employed in intriguing abroad; yet one youth, James Shepherd, an apprentice to a coach maker, formed a scheme for assassinating the king, which having communicated to a nonjuring clergyman, he was apprehended, tried, condemned, and executed at Tyburn.

Aware of the diligence of the pretender and his friends, the king was anxious to strengthen his interest among the potentates of the continent, and, with this view, entered into what

shall always be held void and null by us; & y^e notwithstanding y^{of}, we will encourage him, if he shall constantly adhere to y^e truth & testimony of y^e Church of Scotland, as if no such sentence had been pronounced ag^t him.

In witness q^{of} y^e presents are subscribed in our name, & at our appointment, y^e 5th day of Feb^r 1718, by

Ro^t Maxwell, preses.
Alex^r Marshall, cls.

Conclusions of the General Correspondence, &c. &c.

* Smollett's History of England, &c. &c.

has been denominated the quadruple alliance, by which peace was prescribed to the emperor, the king of Spain, and the king of Sicily, by France and England. Nothing could be more contradictory to the true interests of Great Britain than this treaty, which destroyed the balance in Italy, by the accession of power which it brought to the house of Austria. The whole, indeed, was nothing more than an expensive compliment to the emperor, who wished to add Sicily to his other dominions, and the consequences to Britain, were an immediate interruption of friendly and commercial intercourse with Spain, and, in a short time, a war with that monarchy.

The General Assembly of the church of Scotland was convened, according to appointment, on the fourteenth of May, 1718, John, earl of Rothes, commissioner, and William Wishart, principal of the college of Edinburgh, moderator. Nothing in the intercourse of this assembly with the government occurred, but moderation and mildness, nor was any thing of much public interest at this time brought under discussion. An extraordinary correspondence which had been maintained between the synod of Angus and Mearns, and the synods of Lothian and Tweeddale, Perth and Stirling, Fife and Aberdeen, ever since the year 1701, it was now, from the improved and settled state of the former, considered expedient to discontinue. An act was also passed respecting the Auchterarder proposition, which had been condemned by the assembly of last year. The presbytery had been called to the bar of the commission, which had condescended to accept their explanation, had admonished them, and prohibited them to use the same expressions in time coming, all which was approved of by this assembly.*

War had now, in the end of the year 1718, been declared against Spain, and a descent upon England in favours of the pretender, was immediately planned by cardinal Alberoni, the minister of Spain. The chevalier de St. George, who had taken up his residence at Urbino, in the papal territories, secretly withdrew from that place early in the spring. Taking his passage from Netteno to Cagliari, he arrived there in the month of March. From Cagliari, he proceeded to Rosas, in Cata-

* Printed Acts of Assembly, 1718.

lonia, and thence to Madrid, where he was cordially received as king of England. Ten ships of war had already been equipped for his service, with transports, having on board six thousand troops, and twelve thousand stand of arms. This armament was confided to the duke of Ormond, as captain general of his most catholic majesty, and he was liberally furnished with declarations in the name of that monarch, justifying the part he had now taken, and, though he was invading the kingdom of Great Britain, assuring the people that it was only as an auxiliary to king James.

Timely notice of all this preparation was communicated to his Britannic majesty, by the regent of France, which he communicated to both houses of parliament, and received in return, the warmest assurances of support against all his enemies. Two thousand men were immediately landed from Holland, six battalions from the Austrian Netherlands, and the duke of Orleans proffered no less than twenty battalions for the defence of Great Britain, against this formidable attack. Proclamations were at the same time issued, offering five thousand pounds of reward for the duke of Ormond, one thousand for every attainted peer, and five hundred for every gentleman who should embark in his train. There was in the issue no need for these precautions. Ormond, having sailed from Cadiz and proceeded as far as Cape Finisterre, was there met by a violent storm, which totally defeated the whole expedition. The earls Marischal and Seaforth, the marquis of Tullibardine, some field officers, and about three hundred Spaniards, with a quantity of arms, ammunition, and money, embarked on board of two Spanish frigates at St. Sebastian, and sailed direct for the Island of Lewis. They were joined by a few Highlanders, landed in Kintail, and possessed themselves of the pass of Glenshiel, where they were met by a body of regular troops from Inverness, under the command of general Wightman. At the approach of the king's troops, they abandoned Glenshiel, and retired to the pass of Strachell, which they resolved to defend. They were attacked on the eighteenth of June, 1719, and driven from one eminence to another till night, when the Highlanders dispersed themselves among the hills, and the Spaniards surrendered themselves prisoners. Seaforth was dangerously

wounded, but was carried off by his followers, and, along with earl Marischal and Tullibardine, escaped to the continent.*

The same good providence on this occasion, as on many others, averted the danger that seemed impending over the best interests of Britain. The English Jacobites, taught prudence from their former experience, determined not to risk themselves till such time as Ormond had landed his forces, and was in a condition to protect them, of course there was not the smallest movement in that part of the kingdom. The Highlanders also, were shy to commit themselves. Marischal and Tullibardine had scarcely set foot on shore, when they quarrelled about the command, which could not fail to make the confidence of the people, which was not great at best, still less. Indeed, it appears that few, if any, except the immediate dependants of Seaforth, were prevailed upon to join them.†

* Smollett's History of England. Douglass' Peerage of Scotland, by Wood, vol. ii. pp. 197, 484. Memoirs of the Chevalier de Johnstone, xxxii.

† This prudence on the part of the Scottish Jacobites, seems to have very narrowly escaped being overset by the machinations of their enemies. "A resolution having been universally taken not to move in Scotland till England was fairly engaged, this measure was very near being broke by a piece of odd conduct, of captain Straiton, at Edinburgh. There came, it seems, an unknown fellow to one Mr. Millns, tutor to Mr. Macdonald, younger of Glen-garie, and told him, that being a servant to Cameron of Locheall, he came with him from Spain, and was set on shoar on the coast of Galloway, from the duke of Ormond's fleet as it passed by, with orders to goe and acquaint his master's friends to be ready to take up arms. Mr. Millns carried this fellow to captain Straiton, who with joy heard and gave some credit to what he so earnestly wished, and was soon confirmed in the truth therof, by a letter sent express by the viscount of Stormont, then at his house in Annandale, giving an account, that five or six days befor the date, a large fleet of tall ships, being no doubt Ormond's fleet, past by that coast, sailing with a fair wind directly for the west of England. Straiton having after this no remaining doubts, sent off an express to acquaint my lord Nairn, in Perthshire, that the duke was on the coast, and certainly landed by that time, and desiring his lordship to forward the good news to Marishall, and other proper persons in the Highlands, that noe time might be lost in drawing to the feilds; and, as he imparted it likewise to some in and about Edinburgh, the earl of Dalhousie, and some other gentlemen of that county, got on horseback, with a resolution to try if they could join Ormond, for they knew there was no possibility of getting up to Marishall; but I persuaded his lordship to stop at Selkirk on pretence of seeing the race, till I enquired further into the story,

We have already seen his majesty's ministers successfully enlarging the term of parliaments, from three to seven years, and now they formed a scheme for circumscribing the peerage, which, had it been carried into effect, would have had a still more serious influence upon the constitution. The dignity of the peerage, and the liberties of the people were, however, the ostensible reasons for making the proposal, and the fact of twelve peers, under the management of Oxford, having been created in one day, for the purpose of carrying a particular point, did not fail to be insisted on as demonstrating its necessity. On the last day of February, 1719, the duke of Somerset moved for leave to bring in a bill to limit the peerage in such a manner, "that the number of English peers should not be enlarged beyond six above the present number, which, upon failure of male issue, might be supplied by new creations. That instead of the sixteen elective peers in Scotland, twenty-five be made hereditary on the part of that kingdom, whose number, on the failure of heirs male, should be supplied by some other Scotch peers."

and sent him notice; and I went instantly to Edinburgh, where, having examined Straiton's intelligence, I soon found he was deceived; for I did not think it probable that Ormond would allow such a fellow to come on shore, when I knew he aimed at being himself the first messenger of his errand; besides having no credentials from his master, he could do no service in the matter he pretended; and he gave no tolerable account of himself, not so much as knowing the name of the port in Spain from whence his master and he came with the fleet; from all which I concluded he was a rogue, that proposed by this story to get a little money, or that he was sett out by some of the government, (who, by this time, had certain assurances of the duke of Ormond's misfortune, tho' they did not own it) with a view of persuading some of the king's friends to leap at the bait, and goe to arms, and thereby afford a handle to ruin them. And, as for my lord Stormont's information, I was sure, if the fact had been as he represented, wee must, since the time he mentioned, being eight or nine days, have had the certainty of it, even in the publick letters; and I gave the less credit, when I perceived his lordship's letter was dated at one in the morning, about which time I knew he was apt to credit any news that pleased him. Having joyn'd all these considerations together, I immediately sent to stop Dalhousie; and I dispatched Mr. George Kinnaird with the utmost expedition to Nairn, to advertise him of the false intelligence which he had got; for which he gave me afterwards many thanks, as it was the means of saving him, and many others that were ready, and resolved to get speedily together and joyn Marishall. Lockhart Papers, vol. ii. pp. 22, 23.

The motion was seconded by the duke of Argyle, who had again been reconciled to the court, but, on the suggestion of the earl of Carlisle, who likewise supported the motion, the debate was adjourned to the second of March, on which day, earl Stanhope delivered a message from his majesty, of the following tenor:—"George R. His majesty being informed that the house of peers have under consideration the state of the peerage of Great Britain, is graciously pleased to acquaint this house, that he has so much at heart the settling of the peerage of the whole kingdom, upon such a foundation as may secure the freedom and constitution of parliament in all future ages, that he is willing that his prerogative stand not in the way of so great and necessary a work."*

His majesty, whose prerogative was so deeply affected by the scheme, having consented to it, it can excite little wonder that resolutions to the above effect were agreed to by the lords, and a bill ordered to be prepared by the judges, founded upon these resolutions. The bill, however, met with a most violent opposition, especially, as might naturally have been expected, among the commons, who could regard it in no other light than an attempt to shut them up in everlasting plebeianism. Sir Robert Walpole was particularly violent in his opposition, and his speech was published in order to heighten the public clamour against the measure. Sir Richard Steele, "whose pen," as Johnson remarks, "readily seconded his political passions," attacked the measure in a pamphlet, entitled the *Plebeian*, and his friend—Mr. Joseph Addison, being under the influence of his patron, Sunderland, defended it under the title of *The Old Whig*.† His defence, however, had but little effect upon the public, it was found necessary to lay aside the bill for the pre-

* Campbell's *Life of John, Duke of Argyle*, pp. 282, 283.

† Steele replied to Addison by a second *Plebeian*, in which he confined himself strictly to his subject, without taking any personal notice of his adversary. Addison's pride was hurt, probably because he felt he had the worst of the argument, and, in his reply, spoke contemptuously of "little Dickey, whose trade it was to write pamphlets." Steele, however, preserved his dignity, and "contented himself with quoting some lines of Cato, which were at once detection and reproof." Johnson's *Life of Addison*.

sent, and next session it was rejected by a majority of two hundred and sixty-five, to one hundred and seventy-seven.

Parliament was prorogued on the eighteenth of April, and his majesty, having appointed lords justices to govern the kingdom in his absence, embarked in the month of May for Holland, whence he proceeded directly to Hanover. Here he concluded a treaty of peace with Ulrica, the new queen of Sweden, by which the dutchies of Bremen and Verden, with all their dependancies were ceded for ever to the royal and electoral house of Brunswick, in consideration of which, George obliged himself to pay a million of rix-dollars to the queen of Sweden, and to renew, as king of Great Britain and elector of Hanover, the alliances formerly subsisting between his predecessors and that kingdom. He also mediated a peace between Sweden and his former allies, the Danes, the Prussians, and the Poles. The Czar, however, refusing to give up his schemes of conquest, sent his fleet to the Scheuron, or Batsas of Sweden, where he landed troops to the number of fifteen thousand, who committed the most frightful outrages. They were, however, withdrawn on the approach of Sir John Norris and a British fleet, which had been ordered into the Baltic to support these negotiations.

On the fourteenth of November, the king returned from Hanover, and on the twenty-third, opened the parliament with a speech, in which he told them, "that Europe, as well as Great Britain, was on the point of being delivered from the calamities of war, through the influence of British counsels and British arms." He exhorted the commons to concert proper measures for lessening the national debt, and when he looked to the results of his own government, which, it must be owned, had been conducted both with vigour and deliberation, amidst the many troubles that he had encountered since his accession to the throne, he could not suppress a compliment to his own sagacity. He was, however, re-echoed by both houses as warmly as vanity itself could have desired. He was especially applauded for his interposition in behalf of the oppressed protestants of Hungary, Poland, and Germany, who had presented to him humble memorials, containing long and lamentable details of the grievous oppressions to which they were subjected under

the influences of the popish clergy, though it must be admitted, he had no great reason to felicitate himself on that interposition, for although he and all the other protestant states had interceded warmly in their favours, not one of their grievances was redressed.*

His majesty was more fortunate with the church of Scotland, for whom he had this year obtained the abrogation of the oath of abjuration, which had for seven years been a grievous snare to some, and a subject of complaint and contention to all who took any interest in the prosperity of that church. In his letter to the assembly, which met on the fourteenth day of May, 1719, John, earl of Rothes, being commissioner, and the Rev. James Grierson, one of the ministers of Edinburgh, moderator, he says, "We do with great willingness countenance your General Assembly at this time, being confident that you will now meet with the same good disposition, and conduct yourselves with that temper and unanimity you have hitherto done.

"You may most firmly assure yourselves of our ready and cheerful concurrence in whatever methods shall be taken for the promoting true religion and piety, the discouraging profaneness and immorality, and for preventing the growth of popery.

"The differences that have for some time been among you on account of the oaths, I hope shall now be happily removed; and I must recommend it to you to be upon your guard against the practices of such as would raise unhappy divisions among you, there being nothing that can tend more to your honour and welfare, than concord and brotherly love." The assembly in return, observe: "Your majesty's extraordinary condescension in taking care to have the differences among us on account of the oaths, happily removed, is an unparalleled instance of royal goodness, for which we can never be sufficiently thankful; and, as it gives us the comfortable prospect of happy effects to follow upon it, so it calls us to guard ourselves with the strictest care and watchfulness against the practices of such as would raise unhappy divisions among us, and whatever may lessen that concord and brotherly love, which tends so much to the honour and welfare of this church."

* Smollett's History, &c. &c.

ends of the memorials drawn up by former assemblies and commissions, with respect thereunto; particularly to endeavour, that such of our communion as are officers, or chaplains, in England or Ireland, may suffer no inconveniency for their not taking the sacramental test,"* &c.

We have seen from the printed acts of this assembly, that a negative voice in the election of ministers, seems to have been all that they allowed to private christians; but among the unprinted acts of this same assembly, we find one that demonstrates how much more tender they were in this respect, than many succeeding assemblies have been. This is an act "appointing the presbytery of Ayr, upon the application of either the heritors or elders of the parish of Monkton, or Prestick, to allow the said parish a hearing of other young men, besides Mr. John Fulton, probationer; and enjoining the presbytery not to be hasty in the settlement of that parish, nor to proceed thereto, until all means be first essayed to allay the differences that have arisen in that parish, about the said settlement; and, in case of appeal by either party, discharging the said settlement, until the said appeal be first discussed, and appointing letters to be written to Sir Thomas Wallace, and the laird of Adamtown, entreating them to use their endeavours to get the fore-said parish comfortably settled, to the satisfaction of all concerned." Had this cautious and prudent mode of procedure been persevered in, how many evils, which good men of all parties deplore, might have been avoided! There is also among the unprinted acts of this assembly, "a recommendation to all their members, who could conveniently sign for copies of Mr. Robert Wodrow, minister at Eastwood, his history of the church, during the late times of persecution and oppression, now ready for the press, to subscribe for the same presently; and to all the ministers of the church, who have not signed already, to do it at their presbyteries, and to deal with such in their bounds as are well disposed to encourage this work, and to send up accounts of what is done to the clerk, or sub-clerk, of the assembly, against the meeting of the commission in August next; and an instruction to the

* Printed Acts of the General Assembly, 1719.

commission, to do all they can to encourage and forward this work.”* The sentence of the greater excommunication, pronounced against Mr. James Gilchrist, late minister at Dunscore, in pursuance of an advice of the former assembly, was, at the same time, appointed to be intimated in all the parish churches of Scotland, and copies of the sentence, with the grounds thereof, to be sent to the several presbyteries. Mr. Gilchrist was a zealous adherent to the principles of the sufferers in “the late times of persecution and oppression,” from which he maintained the judicatures of the church of Scotland, had, in various instances, receded; and for this he was subjected to the sentence of the higher excommunication. Was not this something like witnessing that they were the disciples of these persecutors and oppressors?

The friends of the chevalier, in Scotland, were all this time actively employed keeping alive among themselves the embers of zeal for indefeasible hereditary right; and after all the discouragements they had met with, seem still to have indulged the hope of succeeding at some not very distant period. Shortly after the affair of Glenshiel, Lockhart of Carnwath, in concert with the bishop of Edinburgh, planned a committee for managing the affairs of James, and for keeping up a regular correspondence with him, and that mock court with which he was still surrounded. This plan, Lockhart, through his son, who was at the time on his travels at Rome, communicated to James, who, though he declined to give formal commissions, seems to have approved of the plan generally, and named the earls of Eglinton and Wigton, lord Balmarino, the bishop of Edinburgh, Mr. Paterson, and captain Straiton, to whom, if it was agreeable to Lockhart, he wished to be added, Mr. Henry Maule, Sir John Erskine, lord Dun, the laird of Powrie, and Glengarry; Lockhart himself was also of the number. “Whoever is appointed,” continues the king, in his letter to Lockhart, “as I may say, the secretary of my friends with you, should be very particular in his accounts, and inform me of the different advices; and as enemies are not wanting, who officiously spread storys to dishearten, or disunite my friends,

* Unprinted Acts of Assembly, 1719.

it will be convenient that such reports be also communicated to me, to the end, that things on occasions may be put in their true light, and that persons may not be imposed upon by lyes or malicious insinuations.”* James seems to have been fond of gossiping stories, and there can be little doubt, that it was owing to this weakness, that his court was the scene of so much contention, and that so many heart-burnings prevailed among his followers.

Besides the above scheme for carrying on the pretender's interest, Lockhart had also formed the design of bringing over to his side the duke of Argyle; in which, had his instructions been followed, there can be little doubt but he would have succeeded. James himself destroyed the project, first, by refusing to pave the way by a letter from himself to Argyle; and, secondly, by weakly speaking of it to the creatures about him, though Lockhart had, in the most positive manner, requested the matter to rest in profound secrecy, till such time as he had found means for accomplishing his purpose. In consequence of these circumstances, before any opening occurred to Lockhart, Argyle had made up matters with the ministry, and was made lord high chamberlain of the household to king George. The management of Scotland was shortly after committed to his brother, lord Islay, who continued to rule there with such absolute sway, for many years, that he was called king of the country; all which tended to cut off from James, any prospect of ever regaining the friendship of that family. James, however, though he wanted tact to pursue the scheme with any prospect of success, clung to it, apparently, with particular fondness, mentioning it again and again in the course of his correspondence with Lockhart, which, at this time, was kept up with great regularity.

The nomination, of which we have made mention above, had not arrived, when the bishop of Edinburgh, who was one of the persons nominated, “to the irreparable loss of church and king,” according to Lockhart, “departed this life;” and it being absolutely necessary for the cause, that some of the bishops should reside in Edinburgh, Lockhart, and his friend

* Lockhart Papers, vol. ii. p. 30.

Mr. Paterson, lost no time in having bishop Fullarton elected by the college of bishops, to fill that see; Lockhart engaging to procure among his friends one hundred pounds per annum, to be settled upon the bishop, to enable him to bear the charges of a city life, which he accordingly accomplished. "The king," says Lockhart, "should have been acquainted with this choice, and his approbation obtained; yet, because it was not thought advisable to delay it, lest the clergy should have split and divided, it was thought sufficient that his trustees here did approve of it." It was considered necessary, however, "to communicate this step to the king, and to desire he would write a letter to the clergy, recommending unity among themselves, and obedience to their superiors." Lockhart, of course, writes him a long letter, dated April the twentieth, 1720, upon the state of what he calls the church, and directing him in what manner they wished him to act towards it. In this letter, it is requested for bishop Fullarton, that he should be added to the list of the pretender's trustees, along with the earl of Dalhousie, who is there represented as "a person of great honour and integrity, and the fittest, perhaps, in this part of the country to be at the head of an army, having been bred a soldier from his infancy, and a man of undoubted courage and resolution."*

The letters written in return to this, are exceedingly curious, as specimens of what, probably, never happened to any protestant church, except the Scottish episcopal—a cordial and friendly exchange of sentiments with a popish king. The first, dated at Albano, June the twelfth, and directed to bishop Fullarton, is as follows:—"The perfect knowledge I have, and the great sense I retain of the worth and loyalty of the Scots episcopal clergy, makes me at all times desirous to provide, as much as in me lies, for whatever may conduce to their honour, and our mutual advantage. It was these sentiments, that made me regret the more sensibly the loss of the late bishop of Edinburgh; who, besides his singular personal merit, had for so many years, with an indefatigable zeal and application, both by his authority and example, entertained

* Lockhart Papers, vol. ii. pp. 37, 38.

and supported among the clergy, that union and attachment to my just cause, which cannot but recommend them to all honest men, and much conduce both to their and my interest. I am sensible it is not easy to repair the great loss we have made of him, and on t'other hand, I think it is absolutely necessary for our mutual advantage, that some one person should in some measure fill his place, by following his example towards the clergy, and receiving from them that deference and regard, which t'other did. I know none so equal to such a trust and charge as yourself, and, therefore, I hope you will not grudge undertaking the trouble of it; and considering that our present circumstances render it impossible to comply with certain forms, I am persuaded, that my expressing here how much I desire that the Scots clergy should show you the same respect and deference, that they did to the bishop of Edinburgh, will be sufficient to make them concur with you in all matters which may tend to our mutual advantage. I desire you will communicate this, when convenient and needful; and when those concerned, see the regard I have for the church of Scotland, and the sense I have of their particular loyalty, I doubt not of their ready compliance to what I propose, only for the common good. You will sufficiently find by this, the confidence and esteem I have for you. I do not fear being disappointed, and all I have particularly to recommend to you, is the preaching of union and charity, both to clergy and laity, since it is that alone, that can, with God's blessing, make us see an end of our misfortunes, both while they last, and after it may please God to put a period to them; the welfare of the Scots clergy I shall ever have at heart, as I shall at all times be desirous of showing you the deep sense I have of your personal merit, and attachment to me and my just cause."*

The above was accompanied with one to Mr. Lockhart, approving of the steps he had taken with regard to the appointment of the bishop, and adding that bishop to the list of trustees, but declining to prefer Dalhousie to that honour. "Within this letter, (writt by his secretary, and signed by

* Lockhart Papers, vol. ii. pp. 38, 39.

himself,) was a little note under the king's own hand, sealed up, in these words:—‘ I am very impatient to have your answer to what I wrote about Argyle. This would seem a proper juncture to press him close on a certain point, and if he understood things right, he would be easily convinced that he would find his account in befriending me.’ ”*

After electing bishop Fullarton, Prime, and appointing him to reside at Edinburgh, the college of bishops felt themselves called upon to present an humble address to the pretender, with an account of their proceedings. I have not had the happiness to fall in with a copy of this address, but the following is the return they had to it from the pretender, dated Rome, July the second, 1720:—“ We received, with particular pleasure, the first assurances you gave us of your loyalty, and of your affections to our person and family, by your address of the fifth of May. We have the deepest sense of the sufferings that the bishops and clergy of the church of Scotland have undergone, at all times, for their firm adherence to our family, and will not fail to give them the strongest marks of our protection, gratitude, and esteem, when it shall please God to put us in possession of our kingdoms. It is a satisfaction to us to know, that the bishops who survived the unhappy revolution in our kingdoms, have promoted persons of your character to their order; and since the circumstances of past times have not permitted certain forms to be observed, we think it proper hereby to approve of your promotion, in so far as our authority is necessary to it, by the laws and constitution of that our ancient kingdom; but as to such future promotions, as may be thought necessary for the preservation of your order, we think it equally for our service, and that of your church, that, notwithstanding our present distance from you, you should propose to us such persons as you may think most worthy to be raised to that dignity. We shall, you may be assured, have all possible regard for your opinion in such cases, and ever be willing to give you marks of our favour and protection, and of our particular esteem for your persons.”†

Such were the leaders, and such the sentiments of a sect,

* Lockhart Papers, vol. ii. p. 41.

† Ibid. pp. 41, 42.

for which there had been so much wrangling kept up in the nation for better than twenty years. Such the men, and such the breathings of piety, which William III. was so anxious to have engrafted into the presbyterian church, by the exercise of moderation and charity,—and which Anne, under the influence of Jacobite counsellors, wished to honour with a separate and a legal endowment. There is not a word in their whole correspondence, of what are the proper and legitimate ends of a gospel ministry. The bishops are studious of nothing but the interests, as they phrase it, of the king, and the would-be king is equally, or pretends to be equally studious of the interests of the bishops; while, between them, the interests of God, and the interests of his people, are entirely neglected. This good correspondence, did not, however, long continue. The chevalier soon after named a Mr. Freebairn, to be by them consecrated a bishop, which gave so much offence, as to cause a schism in the college, which was not made up for many years after, and tended in a very material degree to embarrass his affairs in Scotland. Nothing, indeed, could be more deplorable, than the circumstances of the chevalier at this time, both at home and abroad. His court was composed of the most imbecile of his followers—men of no talents, without influence, and destitute of either honour or integrity. Marr, the most respectable, as well as the most influential of all his servants—from a long succession of misfortunes, on his own part, and from the impatience of those with whom he was associated, more weak than himself, and equally selfish—had fallen into discredit with him; in consequence of which, the whole body of his friends were divided into two factions, or parties—the one professing directly to follow his own directions, the other professing the same thing, but wishing him rather to follow the advice, and give up his affairs to the direction of his wife, and those who seemed to share more especially in her favour. To every considerate person, that aid from the continental governments, upon which he so much depended, was, in the meantime, becoming every day more difficult of attainment, the king of Spain, upon whom he had so long depended, having been under the necessity of subscribing the quadruple alliance, and dismissing cardinal Alberoni, from

his service, and even of banishing him out of the kingdom, the emperor of Germany, the regent of France, and the king of England, refusing to negotiate upon any other conditions.*

The king having recommended it to the commons, at the opening of a former session, to adopt proper measures for reducing the national debt, Sir John Blount, a cunning projector, brought forward the famous South Sea scheme, which, for the sake of personal advantage, was greedily grasped at by the members of administration, and, for a while, promised the most splendid results, but, in the issue, involved its projectors and supporters in disgrace, and almost all who had been connected with it in ruin. To repair these disasters, and support public credit under the shock they had produced, required all the attention of the government, and all the wisdom of parliament, without being troubled with the affairs of Scotland, which seem at this time to have had but few of their thoughts. Scotland, indeed, was still too poor to speculate in such a golden scheme as that of the South Sea, which appears to have been regarded by Scotchmen with astonishment rather than desire. "As for Britain," Lockhart remarks, writing to his friend Mr. James Murray, afterward created by the chevalier earl of Dunbar, at Rome, "'tis plain there must be some very extraordinary turn, for, as I take it, the constitution is wholly subverted, the whole power being now lodged in the hands of the South Sea company, which is now become masters of all the money, and have established such an interest, that king, lords, and commons, jointly, or separately, are mere names. Many, and those for the most part little scrub fellows, are said to have made vast estates, but for my part, I cannot see through it; 'tis like a meditation on eternity, that appears the more incomprehensible the more it is canvassed. One thing is plain, the company has no fund to pay at the rate of half a crown interest on the hundred pounds, as the stock is now sold at, nor is there, I believe, as much specie in Europe as what the stock is now screwed up to, so that how these new rich men will draw their effects, is more

* The cardinal was an Italian, to which country he retired, and died at Placentia, in the year 1752.

than I can see through, unless, as it is talked, and too probable, an act pass next parliament, obliging the South Sea bills to pass as specie, and what confusion this in the event will occasion, is very obvious. So that I do conclude this stupendous structure will terminate in some very extraordinary event, which at present no man can foretell, only, in so far that it may come to have a quite contrary effect from what is designed by it.”* It certainly did terminate very differently from what its advocates would have wished at least, though not, as Lockhart probably expected, any way favourably for the interests of James.

The General Assembly of the Scottish church was convened at Edinburgh, on the twelfth of May, 1720, John, earl of Rothes, being again commissioner, and the Rev. William Hamilton, moderator. “We have,” says his majesty, in his letter to the assembly, “at this time under our consideration, some things which we hope will very much contribute to the preventing the growth of popery;” and this intimation affected the assembly, “with the deepest sense of gratitude,” and made them evidently to hope for greater effects than had hitherto followed any of his majesty’s gracious intentions this way, whether occult or expressed.† Matters, however, of much greater importance than his majesty’s secret purposes with regard to the growth of popery, which, in Scotland at least, has, from that day to this, been rather imaginary than real, occupied the attention of this assembly. We have already seen professor Simpson dismissed from the bar of a former assembly, with a very moderate sentence, though convicted of very heterodox sentiments, and we have seen the presbytery of Auchterarder brought to make an apology, and submit to be admonished, for a very plain, though perhaps homely, exhibition of Scripture truth, and the same plan was now to be followed out upon a broader scale, and with more direct and decisive bearings. With all the forementioned strong indications of the spread of Neonomianism in the Scottish church, there were many of her ministers remarkable for enlarged and luminous views of gospel truth, and they were powerfully se-

* Lockhart Papers, vol. ii. p. 43.

† *Vide* His Majesty’s Letter to the Assembly, 1720, with the Assembly’s Answer.

conded at this time, by the introduction into Scotland of some writings on the subject, admirable for brevity and perspicuity, which had not been hitherto known there. The principal of these were Trail's Works, Marshall's Gospel Mystery of Sanctification, and the Marrow of Modern Divinity, which had been published in London about the year 1646, and had already gone through ten editions, being, in addition to its uncommon merit, recommended by several of the most eminent members of the Westminster Assembly. The Auchterarder proposition had been defended in the assembly by Mr. Thomas Boston, so well known to every lover of gospel truth, by his Fourfold State and other writings, and Mr. James Hog, minister at Carnock, shortly after, wrote a tract explaining and defending it. Mr. Hog, about the same time, having fallen in with a copy of the Marrow, published it, with a recommendatory preface, as an admirable antidote against the prevailing heresy.

The republication of the Marrow, which was widely circulated, created such a bustle among the legal preachers, that Mr. Hog found himself called upon to publish, in the beginning of the year 1719, two pamphlets, the one entitled, *A Vindication of the Doctrine of Grace from the charge of licentiousness*—the other, *An Explication of passages excepted against in the Marrow*, which, though they contributed to the conviction of some, and to the confirmation and comfort of many, tended rather to enrage the leaders of the legal party, some of whom, it has been confidently stated, indulged a personal, as well as a political or theological hostility to Mr. Hog.* Among those leaders, the most distinguished was principal Haddow of St. Andrews, who, in a sermon that year, before the synod of Fife, made a most violent attack upon Marshall's Gospel Mystery of Sanctification, and especially upon the Marrow of Modern Divinity. At the request of the synod, this sermon was published under the title of, "*The Record of God, and the duty of Faith required therein.*" He also published soon after, *The Antinomianism of the Marrow*

* Pamphlets of the Times. Life of Boston. Memoirs of the Public Life of James Hog, &c. &c.

detected. Both of these productions were gravely and solidly answered, by some who had become publicly engaged on the side of the Marrow, and from another quarter, the Rev. principal received a most severe castigation, in a pamphlet, entitled, "The Political Disputant." In consequence of this literary and theological warfare, the assembly, 1719, appointed their commission to inquire into the publication and circulation of books and pamphlets tending to the spread of the condemned proposition from Auchterarder; and the commission appointed a committee of their number—nearly the same, especially in its leading members, as that which had condemned the presbytery of Auchterarder—to take under their cognizance the Marrow of Modern Divinity, as a book of the above description, and bring an overture respecting it before the assembly, 1720. This committee called before them, and examined severally, and apart, Messrs. James Hog of Carnock, Alexander Hamilton of Airth, James Brisbane of Stirling, and John Warden of Gargunnock, after which, they made up a most unfair and garbled representation, which, under the name of an overture, they laid before the General Assembly. Upon this representation, the assembly proceeded to condemn the book, and passed an act, prohibiting ministers to recommend, or private christians to read the same.* An act against

* *Edinburgh, May 20, 1720. Session 9.*

The General Assembly having had under their consideration the book, entitled "The Marrow of Modern Divinity," reprinted at Edinburgh anno 1718, with an ample recommendation prefixed thereto, which they found was dispersed, and come into the hands of many of the people; and having had laid before them the following passages, collected out of said book, by a committee for preserving the purity of doctrine in this Church, appointed by the Commission of the late General Assembly: The tenor whereof follows —

Concerning the Nature of Faith.

Page 118. "There is no more for him to do, but only to know and believe that Jesus Christ hath done all for him." Page 119. "This, then, is perfect righteousness,—only to know and believe, That Jesus Christ is now gone to the Father, and sitteth at his right hand, not as a Judge, but as made to you of God, wisdom, righteousness, sanctification, and redemption; wherefore, as Paul and Silas said to the jailor, so say I unto you, 'Believe on the Lord Jesus Christ, and thou shalt be saved.' That is, be verily persuaded in your heart that Jesus Christ is yours, and that you shall have life and salva-

popery, and an act anent preaching catechetical doctrine, of the same import as that against the Marrow, followed, and the next meeting of assembly was appointed for the eleventh day of May following.*

tion by him; that whatsoever Christ did for the redemption of mankind, he did it for you." Page 120. "For as much as the holy scripture speaketh to all in general, none of us ought to distrust himself, but believe that it doth belong particularly to himself." The same is asserted, pages 121, 122, 123, 124, 131, 136, 137, 175, 176, 177, and in many other places in the book. This notion of *saving faith* appears contrary to scriptures, Isa. l. 10. Rom. viii. 16. 1 John v. 13. and to Confess. cap. 18, § 1, 3, 4. and to Larger Catechism, Quest. 81, 172. All which passages shew, that assurance is not of the essence of faith, whereas the passages cited from the Marrow, &c. appear to assert the contrary, making that *saving faith* commanded in the gospel, a man's persuasion that Christ is his, and died for him, and that whoever hath not this persuasion or assurance hath not answered the gospel call, nor is a true believer.

Of Universal Atonement and Pardon.

Page 108. "Christ hath taken upon him the sins of all men." Page 119. "The Father hath made a deed of gift and grant unto all mankind, That whosoever of them all shall believe in his Son, shall not perish," &c. i. e. (whosoever believes or is persuaded that Christ is his, for this must be the sense according to the former passages), "Hence it was, that Christ said to his disciples, 'Go and preach the gospel to every creature under heaven.' That is, go and tell every man without exception, that here is good news for him, 'Christ is dead for him.'—Even so our good King, the Lord of heaven and earth, hath, for the obedience and desert of our good brother Jesus Christ, pardoned all our sins." To the same purpose pages 127, 128. Here is asserted an universal redemption as to purchase, contrary to John x. 10, 15, 27, 28, 29. and xv. xiii. xvii. Titus ii. 14. Confess. cap. 3. § 6. cap. 8. § 8. Larger Catechism, Quest. 59.

Holiness, not necessary to Salvation.

From page 150 to 153. "And if the law say good works must be done, and the commandments must be kept, if thou wilt obtain salvation, then answer you and say, 'I am already saved before thou camest; therefore I have no need of thy presence,—Christ is my righteousness, my treasure, and my work. I confess, O law! that I am neither godly nor righteous, but this yet I am sure of, that he is godly and righteous for me.'" Page 185. "Good works may rather be called a believer's walking in the way of eternal happiness, than the way itself." This doctrine tends to slacken people's diligence in the study of holiness, contrary to Heb. xii. 14. 2 Thess. ii. 13. Eph. ii. 10. Isa. xxxv. 8. James ii. 20. Confess. cap. 13. § 1. Larger Catechism, Quest. 32. Confess. cap. 15. § 2.

* Printed Acts of Assembly, 1720.

The passing of the above act against the Marrow, was a cause of deep sorrow to many eminent ministers and seriously disposed people. Messrs. Thomas Boston, Gabriel Wilson, and Henry Davidson, brought the subject before

Fear of Punishment, and Hope of Reward, not allowed to be Motives of a Believer's Obedience.

Page 181. "Would you not have believers to eschew evil, and do good, for fear of hell, or hope of heaven? *Answer*, No indeed,—for so far forth as they do so, their obedience is but slavish." A great deal more to this purpose is to be seen, pages 175, 179, 180, 182, 183, 184, and appears contrary to Psal. xlv. 11. Psal. cxix. 4, 6. Exod. xx. 2. James i. 25, and ii. 8, 9, 10, 11, 12. 1 Tim. iv. 8. Col. iii. 24. Heb. xi. 6, 26. Rev. ii. 10. 2 Cor. v. 9, 10, 11. Heb. xii. 2, 28, 29. 2 Pet. iii. 14. Confess. cap. 16. § 2. and 6.

That the Believer is not under the Law, as a rule of Life.

Page 160. "As the law is the covenant of works, you are wholly and altogether set free from it." And page 151. "You are now set free, both from the commanding and condemning power of the covenant of works." Page 216. "You will yield obedience to the law of Christ, not only without respect, either to what the law of works either promiseth or threateneth, but also without having respect to what the law of Christ either promiseth or threateneth. And this is to serve the Lord without fear of any penalty, which either the law of works or the law of Christ threateneth," Luke i. 74. See also pages 5, 153, 180, 156, 157, 163, 199, 209, 210. contrary to scriptures, Exod. xx. 2. Mat. v. 17, &c. Rom. iii. 21. and xlii. 9. James i. 25. and ii. 8, 10, 11, 12. and Confess. cap. 19. § 5, 6.

The six following Antinomian paradoxes are censured and defended, by applying to them that distinction of the law of works, and law of Christ.

Pages 198, 199. "1mo, A believer is not under the law, but is altogether delivered from it. 2do, A believer doth not commit sin. 3tio, The Lord can see no sin in a believer. 4to, The Lord is not angry with a believer for his sins. 5to, The Lord doth not chastise a believer for his sins. 6to, A believer hath no cause neither to confess his sins, nor to crave pardon at the hand of God for them, neither to fast, nor mourn, nor humble himself before the Lord for them."

Expressions in the Marrow, &c.

Page 192. "A minister that dares not persuade sinners to believe their sins are pardoned, before he see their lives reformed, for fear they should take more liberty to sin, is ignorant of the mystery of faith." And page 27. "Christ undertook to suffer under the penalty that lay upon man to have undergone." And page 117. "The covenant of works was twice made; first with man, and a second time God was on both sides." Page 115. "The

the presbytery of Selkirk, who laid it before the synod of Merse and Teviotdale, but the synod gave them no redress. Application was then made to Mr. James Hog, the original recommender of the Marrow, proposing that redress should be demanded at the bar of the next assembly. A Representation was accordingly drawn up, and after various consultations, and many prayers, signed by twelve ministers of the church of Scotland, viz. Mr. James Hog, minister at Carnock,

law practised his whole tyranny upon the Son of God, and because it did so horribly and cursedly sin against his God, it is cursed and arraigned, and as a thief and cursed murderer of the Son of God, loseth all his right, and deserveth to be condemned; the law, therefore, is bound, dead, and crucified to me." Page 126. "Whosoever is married to Christ, and so in him by faith, he is acceptable to God the Father, as Christ himself." Page 127. "And so shall the love and favour of God be as deeply insinuated into you, as it is into Christ himself." Page 144. "Whence it must needs follow, that you cannot be damned except Christ be damned with you; neither can Christ be saved, except ye be saved with him." Page 145, 146. "Say unto Christ with bold confidence, I give to thee, my dear husband, my unbelief, my mistrust, my pride, my arrogancy, my ambition, my wrath and anger, my covetousness, my evil thoughts, affections, and desires: I make one bundle of those, and all my other offences, and give them unto thee, 2 Cor. v. 21. 'And thus was Christ made sin for us, who knew no sin, that we might be made the righteousness of God in him.'" Page 207. "Nor yet as touching your justification and eternal salvation, will he love you ever a whit the less, though you commit never so many great sins."

These are collected out of many other exceptionable positions contained in that book, which, for brevity's sake, are omitted.

And the General Assembly having had the said passages, and several others, read to them from the said book, and having compared them with the texts of holy scripture, articles of our Confession of Faith, and of the Larger Catechism of this Church above cited,—The General Assembly found, that the said passages and quotations, which relate to the five several heads of doctrine above mentioned, are contrary to the holy scriptures, our Confession of Faith, and Catechisms; and that the distinction of the law, as it is the law of Christ, as the author applies it, in order to sense and defend the six Antinomian paradoxes above written, is altogether groundless; and that the other expressions above set down, excerpted out of the said book, are exceeding harsh and offensive. And therefore the General Assembly do hereby strictly prohibit and discharge all the ministers of this Church, either by preaching, writing, or printing, to recommend the said book, or in discourse to say any thing in favours of it: But, on the contrary, they are hereby enjoined and required to warn and exhort their people, in whose hands the said book is, or may come, not to read or use the same.

Thomas Boston, minister at Ettrick, John Bonnar, minister at Torphichen, James Kid, minister at Queensferry, Gabriel Wilson, minister at Maxton, Ebenezer Erskine, minister at Portmoak, Ralph Erskine, minister at Dunfermline, James Wardlaw, do. James Bathgate, minister at Orwell, Henry Davidson, minister at Galashiels, William Hunter, minister at Lilliesleaf, and John Williamson, minister at Musselburgh, to be presented to the assembly in May, 1721. In this Representation, these ministers lay before the assembly with all humility, their objections to the act condemning the Marrow, and humbly crave its repeal, and also, that the assembly would take such steps as to remove the offence given by certain clauses in the eighth act of said assembly, for preaching catechetical doctrine.

The assembly, according to appointment, met at Edinburgh on the eleventh day of May, 1721, John, earl of Rothes, being again commissioner, the Rev. Thomas Black of Perth, moderator. The Representation of the twelve brethren was given into the committee of bills, upon Tuesday the sixteenth. On Wednesday, the seventeenth, they expected it to come before the assembly, but the assembly, being that day dissolved, on account of the indisposition of the king's commissioner, referred the Representation to their commission without reading it, empowering the commission to "call the subscribers of that Representation before them or their committees, and ripen and prepare these matters concerning doctrine for the next assembly, but not to give a final decision therein," of course, it lay over till the next assembly, which was appointed for the twelfth day of May, 1722.

In the meantime, the chevalier de St. George continued to buoy up his own hopes, and those of his friends, in the best way he could, and having had a son born to him, Charles Edward, afterwards the pretender, in the year 1720, he addressed, to his friends in Scotland, through the medium of Lockhart of Carnwath, the following letter, dated March 4th, 1721:—"The increase of my family, will, I am sure, have been agreeable news to you, and I thank God, they continue all in very good health; I wish I had as comfortable an account to send you as to other matters, for the present situation of

Europe is such, that it is not possible to form, as yet, any solid judgment of matters. I have many great and true friends, both in France and Spain, and as soon as it shall be possible for these nations to think of foreign affairs, there is all the reason to hope that one or 'tother, if not both, will find it their own interest to befriend me, and, in the meantime, all means are using to make such friends effectually useful on a proper juncture. It is a melancholy thing to be always preaching patience, but I hope a very little more will serve, for it is not possible that affairs can long remain in the violent situation they are in, and it is not, I think, flattering one's self, to believe they will soon change for the better, which is all I can say on these matters, and pray communicate as much to my friends with you, with many kind compliments in my name."*

Negotiations were, at the same time, set on foot by that same indefatigable Jacobite, Lockhart, for uniting the Scottish and the English tories—both of whom, if they were not altogether in the interest of James, had yet, from their arbitrary and violent views, a strong leaning towards him—and this he now flattered himself he should be able greatly to forward, by means of the duke of Argyle, who, being beset with the squadrone, he hoped would be willing, for the sake of his own personal views, to agree to almost any thing. Nothing less than the sole management of Scotland could satisfy his grace's ambition, but he was sadly thwarted, at this time, by the squadrone, under the direction of the duke of Roxburgh, and, on the election of a peer to fill the place of the earl of Annandale, lately deceased, though he would have had the duke of Douglas, or the earl of Morton elected, was obliged, in order to divide the tories, to propose the earl of Eglinton, a notorious Jacobite, whom he seems to have thought a more manageable subject than the earl of Aberdeen, who was the object of the squadrone. So many of the tories, however, stuck by the squadrone as did the business, and carried it for Aberdeen. "Next day after it was over" [the election], says Lockhart in a letter to the chevalier, "a friend of Argyle's came to me,

* Lockhart Papers, vol. ii. p. 56.

and told me he was much surprised to find the tories, and particularly myself, did prefer one for whom the squadrons voted to one recommended by Argyle. I answered, that I always preferred the general interest to private views, and I was sure no service was done to the squadrons, seeing Aberdeen would most heartily oppose them, and was, perhaps, in Scotland, the fittest man for it. But, added I, if any thing wrong is done, it is Argyle's fault, why did he not offer terms to the tories? He replied, that was an omission, but he wanted to know if the tories would yet accept of them. I answered, that I could not positively tell, but I thought they should, and believed they would, and then he told me he was directed to ask the question at me, and desire that I would negotiate it. This I readily undertook, and have made such advances therein, that I believe, if there be a new parliament, the tories will have at least the half of the sixteen peers and Argyle's assistance where tory commoners set up to be elected, seeing so far we are near agreed, being what Argyle, as matters stand, must come into, or succumb to the squadrons. I also insisted that matters should be made easy to those who were persecuted for the king's sake, and that Argyle should oppose the peerage bill, both which are expressly agreed to. If matters can be adjusted thus, it cannot, I think, fail to have good consequences, especially seeing it paves the way to make a further progress with Argyle in higher matters, which, I must own, I have much at heart on many accounts. In order to bring this scheme to answer, and to avoid all future mistakes and divisions, a good number of the peers have solemnly engaged to stand by one another, and in all matters submit to the majority. These peers are all much in your interest, and it is more than probable they'll soon prove a formidable body, and be able to rouse up a spirit towards accomplishing matters of the greatest moment in time; and I was particularly directed to acquaint you of this step, which, it's hoped, you will approve of. If the treaty with Argyle goes on, I shall be desired to go to London to conclude it, which I will not decline, and shall not fail to let you know the result." This was no doubt very flattering to Lockhart, and would be highly grateful to James, but there were yet

brighter spots in the vision that was now flitting before the optics of this sanguine Jacobite. "The duke of Hamilton is lately come home, and, I think, resolved to stay, especially if there is any prospect of the parliament's being dissolved, in which case he may be of great use; for the truth is, since his father's death, your friends have sustained a very great prejudice by the want of one in an eminent station to appear at their head, and keep them together; and, for my part, I can see none so fit for that work as his grace. 'Tis true he's young and void of experience, but I am much mistaken if he is not entirely honest, and a zealous friend to your interest, and it is obvious that he wants neither spirit nor capacity. Some of his father's old friends have spoke very freely to him, and given him their best advice, and as he promises, and I hope will follow the same, I am fully persuaded he will make a great figure." Lockhart goes on with great self-complacency to direct the chevalier in what manner he ought to conduct himself towards the young duke to ensure his fidelity, and draw him on to be head and leader of the Scottish malecontents. But this is not all, "I have writ," he adds, "to an old honest friend of mine at London, proposing that the English tories should appoint one of their number to correspond with the Scots tories, that so they may understand one another's minds, and act in concert, and I hope in a little time to have an agreeable return. I find a great many very hopeful that wee'll have a new parliament, and that the tory interest will prevail, and in order thereto, have some thought of applying to you that you would use your interest with all your friends to take the oaths and vote at elections, and some proceeded so far as to desire me to write to you in these terms, which I told them I could not take upon me to do. However, I thought it fit to let you know so much, and you'll consider how far it will be convenient for you to signify your pleasure therein, that according thereto the measure may be either advanced or suppressed."*

From the above, the extreme servility of the Jacobites, and

* Letter from Lockhart to the Chevalier, June 15th, 1721. Lockhart Papers, vol. ii. pp. 61, 64.

the true character of the tories, is more fully manifested than from any thing we have hitherto noticed. It appears that they considered the chevalier not only lord of their lands, and proprietor of their bodies, but also as the keeper of their consciences. Whether the chevalier made any answer to this proposal or not we have not discovered, though he replies with great particularity to every other proposition of the letter which contained it, but certain it is many of his followers did take the oaths, and put themselves as far forward as they possibly could, both for his service and their own.

On the tenth of June this year, there was an attempt made at Edinburgh to celebrate the birth-day of the chevalier by parading the streets with white roses, in consequence of which, the military were called out, and a man and a woman lost their lives. Lockhart represents the matter to James as very trivial, nobody having been concerned in it but a parcel of boys. The deaths he imputes to the arbitrary and despotic nature of the government, and laments, that though the attack was made without any provocation, no redress was to be expected.*

These negotiations, supposed to be pregnant with so many happy results, were pursued by the party with zeal and diligence, though in the end to very little purpose. Argyle continued to tamper with them till the approaching election, when the ministry thought it necessary to use their joint authority to oblige him to unite with the squadrone in electing the peers according to a list made up by the court, in which they would admit no alteration to be made, to which, no doubt, thinking it the best policy he could pursue, he quietly acceded. The earl of Sunderland also, covered with the execrations of the nation for the nefarious part he had acted in the South Sea concern, seems to have at this time thought of taking refuge among the Jacobites, and was so far advanced as to be made the subject of a correspondence between Lockhart and the chevalier. Lockhart, to certify himself of the fact, as well as to establish a union of views with the English tories, undertook a journey to England to meet with Mr. Shippen,

* Lockhart Papers, vol. ii. p. 46.

an English Jacobite, who had figured as an opposition orator for some time past in the house of commons, but there was a barrier of conflicting interests in the way which could not be overcome, and the death of Sunderland shortly after, with respect to him, put an end to the matter.

On the approach of the elections, every effort was made by the Jacobites to strengthen the tory party, which, all at once, became zealous for the rights of the people, the principles of the constitution, and the integrity of the treaty of Union. For this purpose, the late peerage bill, though it had been rejected by an overwhelming majority in the house of commons, and there was not the least probability of its being again brought forward, was resuscitated, and enlarged upon with every possible aggravation, that it might be an item in the charges that were now to be brought forward against the government. On this subject, the following address, moved and carried by Lockhart, at the election for the shire of Edinburgh, was the model which was followed by the other counties:—

“To the honourable the commons of Great Britain, &c. &c. the address of the barons and freeholders of the shire of Edinburgh, met in order to choose a representative in parliament, humbly sheweth—That we, taking into our serious consideration, that during the last parliament a design was laid to suppress the representation of the Scots peerage in parliament, and, instead thereof, to vest in a certain number of Scots peers, and their descendants, the sole right and privilege of sitting in parliament, and that a bill to this effect did pass in the house of lords, and was from them sent down to the late house of commons, and being afraid that the attempt may be renewed in some subsequent session of parliament, we presume, by this application, humbly to remonstrate against it. First, because the representation of the peerage of Scotland, as it now stands regulated by the laws of the land, is a fundamental part of the parliamentary constitution of the United Kingdom, and whoever assumes a right and power to suppress and innovate the same, may, by parity of reason, claim the like privilege with respect to any other part, or branch, of the parliamentary constitution in either of the two houses, and consequently, such a step will prove a precedent highly pernicious.

cious to the rights, liberties, and privileges of Great Britain. Secondly, because the representation of the peerage of Scotland, by sixteen chosen by the body of the peers, for that effect, being stipulated by the articles of Union, and declared so to remain unalterable in all time coming; the subversion thereof cannot be accomplished, without a manifest infringement of the said articles, and would prove a precedent for unhinging the faith and security of all the other articles of the said solemn treaty, particularly in so far as concerns the representation of the Scots in the British parliament; for whoever can assume a power and right to dispense with what is stipulated in favour of the Scots peerage, may also entirely cut off the representation of the Scots counties and burghs in the house of commons, or make such alterations therein, as are diametrically opposite to the rights and privileges of the freeholders and burgesses, expressly reserved to them by the articles of Union.

“On these, and many such other accounts, we cannot but apprehend very dismal consequences attending so great an encroachment on the parliamentary constitution, and so obvious a violation of that solemn recent treaty, by which the nations are united. And as the members of the honourable house of commons are the bulwarks and guardians of the British liberties, both national and personal, we thought it incumbent on us to make this our humble remonstrance, against a scheme so illegal in its own nature, and which will prove a precedent for the most arbitrary and pernicious attempts. And as the late house of commons did reject a bill of this nature, sent down from the house of lords, we cannot doubt but you will shew an equal zeal for maintaining the parliamentary constitution, on which depend the liberties of the people whom you represent, and preserving inviolably all and every part of that treaty, on the faith whereof the two independent kingdoms did unite, by discouraging and rejecting every motion and scheme, which doth any way tend to infringe or violate the same, and your petitioners,” &c. &c.*

Of the election of the peers, we have the following account from the same pen. After adverting to what we have already

* Lockhart Papers, vol. ii. pp. 85, 86.

stated, of the necessity under which Argyle and the squadrone acted, "the tories," he goes on to say, "however, were not discouraged; they resolved to make a stand, and show they would not silently give up their rights; in order to which, one and twenty were present at the election, and voted against the court list, and each of them entered a protestation against such as should be chosen assuming the liberty to dispose of their rights, or alter the representation. The court, not expecting that a broken, harassed, dispersed party, could, or would have dared to make such an opposition, were much alarmed, till they understood that eleven of the tory lords would not qualify; for had these come in and joined the twenty-one, there were so many more of those, who, for private reasons, voted for the court, would gladly have come off and joined the tories, when by this conjunction, it appeared certain that they would be sufficiently able to throw out the court list; but when they saw that so great a number as eleven lay off, and that without them they could not make up a majority, they thought it needless to show their teeth when the consequences in that case would have been detrimental to them. The non-jurant peers were Stormont, Blantyre, Strathmore, Kintore, Colvil, Strathallan, Rollo, Sinclair, Wemys, Arbuthnot, and Pitsligo. It was a pity," continues Lockhart, "any thing should have impeded such a general conjunction of persons, thinking and wishing after the same way, especially when there is good grounds to believe, the taking off the sixteen Scots peers from the court, and adding them to the tories, would have put them in a capacity of doing good things next parliament. The great reputation Aberdeen gained by his behaviour in the house, and his refusing to be in the court list, obtained him so many dropping votes, from a great many who voted for that list, that he was elected, to the no small satisfaction of all honest men; for, besides his acting a right part in all public matters, he is of singular use in curbing Isla, who formerly took upon him to cut and carve in all Scots appeals, as the sole distributor and oracle of the Scots law in the house of lords; whereas Aberdeen kept him all last session within bounds, and was the protector of such Scots tories as had affairs there, and did them very good service."

With regard to the election of the commons, had it not been for the backwardness of the Tories themselves, and the rascally conduct of the sheriffs in falsifying the returns, he adds, "There appeared such a spirit among the barons and freeholders, against the present maxims and measures, that it had been very easy to have thrown out both the Argyle and squadrone candidates; in order to which, I was prest, the very morning of the election, to offer my service, with assurance of being elected, but that was what I did by no means incline to; besides, about two years ago, when the commission of enquiry was rampant, I gave the advocate something like an assurance, that if he would preserve Mr. Basil Hamilton, and some other honest men's estates from being forefaulted, I would take care to manage matters that he should be elected for this shire, in opposition to Mr. Baird, a creature of the Dalrymples, and as the advocate did from thenceforward act a friendly part to them, and that thereto, in a great measure, the preservation of these families is owing, I thought myself obliged, in honour and justice, to support him. Several of my friends, it being by no means fit to communicate my private reasons to them, blamed me for assisting the advocate, who is a man so capable to make a figure, but I am hopeful you'll approve of my conduct, when you know it proceeded from so good a design, and had so good effects."*

In this same letter, Lockhart informs the chevalier of a conversation he had with Argyle, and of the little hopes he now had of gaining him, at least "so long as he could gratify his ambition from another quarter," and concludes, "Now that the elections are over, your friends have scarce any field to work in for your service, whilst affairs are in the present situation; what turn they may take, and what relief God in his providence will send, time must determine, and with patience be expected." From this, it would appear he had not been intrusted with the knowledge of the plot laid in England, that was on the eve of being executed, and was about the same time communicated to the government. A few months previous to this, however,

* Letter from Lockhart to the Chevalier, April 22d, 1722. Lockhart Papers, vol. ii. pp. 86—89.

captain Straiton was directed by Marr to attempt the raising a sum of money among the friends of James, to be remitted to general Dillon, in France, for providing arms, &c. for which Straiton was also authorized by a letter from James himself, which, there can be little doubt, was connected with the said plot, which, for some secret reason, seems not to have been communicated generally to the Scottish Jacobites. Straiton, according to Lockhart, bungled a considerable time about raising the money, but spoke of it, for a time at least, to none of the trustees of James, except the earl of Eglinton, who gave him five hundred guineas, and was able at length to remit, by Mr. William Erskine, about two thousand pounds. This sum, Marr was afterwards said to have applied to purposes very different from what was pretended;* and the concealment of the various ramifications of the above conspiracy, which it was probably intended to aid, may have stood in the way of such an explication of the matter, as would have fairly vindicated the character and conduct of that nobleman. Whatever be in this, his majesty, in the beginning of May, received from the duke of Orleans, regent of France, certain information of a fresh conspiracy being formed against his person and government, in consequence of which, his intended visit to Hanover, though a regency had been appointed to govern in his absence, was delayed, a camp formed in Hyde Park, and all officers on leave of absence, ordered to repair instantly to their stations. General Macartney was also despatched to bring over troops from Ireland, colonel Churchhill was sent on a private mission to the court of France, and the states of Holland were requested to have the auxiliaries stipulated for the preservation of the protestant succession in readiness for immediate embarkation. So great was the general panic, that public credit began to be seriously affected, and there was a general run upon the bank, every one wishing to secure his money privately in his own way, till he should see how or where the storm was likely to burst.†

In these circumstances, lord Townshend wrote by order of the king, a letter to the lord mayor of London, signifying that his majesty had received the most unquestionable advices, that

* Lockhart Papers, vol. ii. pp. 91, 92.

† History of England, &c.

several of his subjects had entered into a most wicked conspiracy in concert with traitors abroad, for raising a rebellion in favour of a popish pretender; but that he was equally well assured that the authors and abettors of this conspiracy could not in the present instance receive assistance from any foreign power. This communication was answered by an affectionate address from the city of London, whose example was followed by the greater part of cities and boroughs through the kingdom.

Several suspected persons were now apprehended in Scotland, and Atterbury, bishop of Rochester, having been secured with all his papers, was examined before the privy council, and committed to the Tower on a charge of high treason. The earl of Orrery, the lord North and Gray, Mr. Smith, Mr. Cochran, and Mr. Christopher Layer, a young gentleman of the Temple, were likewise sent to the Tower. Mr. George Kelly an Irish clergyman, Mr. Robert Cotton of Huntingdonshire, Mr. Bingley, Mr. Fleetwood, Neynoe an Irish priest, and several other persons were taken into custody, and the house of Mr. Shippen was narrowly searched. Of these, however, only Atterbury and Layer, for the present, were made to feel the vengeance of the government; but Neynoe, attempting to escape from the messenger who had him in custody, was drowned in the Thames.*

The new parliament assembled on the ninth day of October, 1722, when his majesty laid before them, at great length, the nature and extent of the conspiracy that had happily been so timely discovered. The most urgent applications, he remarked, had been made by the emissaries of this wicked confederacy for succours from almost every court in Europe without any success; yet, confident in their numbers, they had once more determined in their own strength to attempt the subversion of his government. Money they had collected in considerable sums, abundance of officers they had engaged from abroad, together with arms and ammunition, and, but for the timely discovery of their intentions, the whole nation would have been involved in anarchy and ruin. He relied upon indisputable facts for establishing the character of his administration, as

* Smollett's History of England, &c. &c.

conducted with mildness and integrity, notwithstanding the implacable hatred and madness of those who continued to swell the list of his enemies; and he assured them that he would adhere inviolably to the constitution in church and state, making the laws the rule and measure of all his actions.

Addresses of the most loyal import were voted to his majesty by both houses of parliament, and a bill was brought into both houses, for the immediate suspension of the *habeas corpus* for one year. The opposition to this measure in the house of commons was most violent; in the end, however, it was carried, and by the royal assent speedily passed into a law, which was no sooner done, than the duke of Norfolk was apprehended at Bath, brought to an examination before the privy council, and committed to the Tower on a charge of high treason.

While the political hemisphere was thus again darkened with plots and conspiracies, the General Assembly of the church of Scotland, which met at Edinburgh, the tenth day of May, 1722, Hugh, earl of Loudon, commissioner, the Rev. William Mitchell, one of the ministers of Edinburgh, moderator, was highly eulogized by his majesty, and the tried and steady loyalty of the church of Scotland candidly acknowledged; but if we may credit the assembly, his majesty's gracious intentions for putting a stop to popish machinations, which excited so much gratitude and expectation in a former assembly, had been equally inefficacious with those that had preceded them. In an humble address to his majesty, they thus express themselves:—"It must be matter of inexpressible grief to us who are office-bearers in the house of God, to observe, that since the nation and church was delivered in so remarkable a manner, by the immediate hand of divine providence in bringing about the glorious revolution, from the dangers that then threatened them, and even since that blessing was renewed, and the security of our religion and liberties more strongly confirmed by your majesty's happy accession to the throne, and the settlement of the crown in your royal protestant family, the number, not only of papists, but of popish bishops, priests and Jesuits, is so greatly increased in several parts of this nation, who take upon them,

notwithstanding of the many good laws made for preventing the growth of popery, in contempt thereof, and in defiance of your majesty's authority, openly to assemble in great numbers for hearing and saying of mass, for dispensing of sacraments in their idolatrous manner, and that those bishops and priests do presume to exercise the functions of their several offices with avowed freedom and insolence, that seminaries are openly erected and maintained in the remoter parts of the kingdom, for educating of youth in the principles of *Romish* error and superstition, that numbers of those whose genius and capacity seem to distinguish them from others, are carried abroad to foreign parts, in order to be further confirmed and instructed in those pernicious and damnable doctrines, which are equally dangerous to our holy religion, and the foundation of your majesty's government, and, when they are fully poisoned with the principles of idolatry and arbitrary power, and many of them clothed with the character of priesthood, do return into your majesty's dominions, and exercise the utmost power and diligence in perverting your majesty's subjects from the true reformed protestant faith, and from that loyalty and affection to your majesty, which love to liberty, and a due regard to the peace of this country ought to engage them to promote, of which we have transmitted more particular accounts to your principal secretary of state, in order to be laid before your majesty."—"Those violations of the public laws, and attempts to undermine our constitution in church and state, seem the more extraordinary, that they appear to be countenanced by persons of considerable power, influence, and distinction, some of whom owe their all to your majesty's goodness and clemency, and that they are not only done in the remoter corners of the kingdom, but that very open meetings for idolatrous worship are commonly held within the liberties of this city, where now we have the happiness to meet under your majesty's protection and favour.

"We cannot presume to lay open all the various causes of these growing evils, but as the enemies of our constitution must perceive the absolute inconsistency that is betwixt the *Romish* tenets and those principles upon which our present establishment in church and state is founded, this no doubt

hath rendered them more assiduous, since the revolution and your majesty's happy accession to the crown, in diffusing their poison, which they have the more easy access to do by reason of the great extent of the northern country, the small number of churches, the utter inactivity of inferior judges in executing the laws against popery, and the many defects which yet appear in these laws, which we, with great humility, apprehend does render it necessary that some further laws on that subject should be enacted, and that a more effectual method of executing them be provided than that which the ordinary course of proceedings, as the law now stands, does afford, which we humbly submit to your majesty's great wisdom.

"We embrace this opportunity of laying these particulars before your majesty, when you have been graciously pleased to declare that you have repeated and unquestionable advices of the designs of your indefatigable subjects, in concert with traitors abroad, to raise a rebellion against your majesty in your kingdom of Great Britain, the rather that we apprehend those unnatural and traitorous conspiracies are the native produce of a popish influence, and of the practices of Romish emissaries connived at by others, inexcusable protestants," &c.

This zeal, on the part of the assembly, was certainly laudable, and abundantly called for by the conduct of the papists and nonjurant episcopalians, many of whom were equally zealous, and equally intolerant with the papists, and, whatever any of them pretended with regard to liberty of conscience, the power of repressing that liberty in others was their real, though not their avowed object, their slavish maxims of government being utterly incompatible with the unfettered exercise either of the conscience or the understanding. At the same time, the assembly abated much of the credit due to it for this beneficent exercise of authority, by the manner in which it treated the truths of the gospel, and the worthy men who came before it in defence of these truths, as attacked through the book entitled the "Marrow of Modern Divinity."

We have already noticed the procedure of the assembly, 1720, against that book, and the representation and petition prepared by some ministers respecting it, which representation and petition, from the sudden dissolution of the assembly, 1721, was

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Humbly Sheweth,

THAT whereas it is the unquestionable duty of all the members, ministers, and assemblies of this church, to endeavour in their several capacities the preservation of the purity of doctrine contained in the holy scriptures, and in our Confession of Faith and Catechisms, agreeable thereunto, that the same may be faithfully submitted to succeeding generations: We find ourselves obliged in conscience, with all due deference, to lay some things relative to that and some matters which are grievous to us, before the venerable Assembly, whose province it is, in a special manner, to maintain the truths of the gospel, and to take care that every thing in the house of the God of heaven be moulded in a conformity to his will, and the pattern he hath shewed us in his holy word.

We are fully persuaded, That although the grace of God which bringeth salvation, teacheth us, “that, denying ungodliness and worldly lusts, we should live soberly, righteously, and godly, in this present world;” yet there is such a propensity in the corrupt nature of man to licentiousness and profanity, that he is apt to turn the grace of our God into lasciviousness; whence have proceeded these monstrous opinions of some,—that the law is not a rule of life to believers,—that holiness is not necessary to salvation,—and the like; all which our hearts do abhor, as egregious blasphemy against our Lord and Saviour Jesus Christ, making him the minister of sin: And, therefore, we cannot but own it to be commendable zeal in the members, ministers, and Assemblies of this Church, to endeavour the stifling of such monstrous brats in the birth, whensoever they do really begin to appear.

But withal, on the other hand, we are no less persuaded, that in point of seeking righteousness and salvation, there is such a bias in the same corrupt nature towards the old way of the first covenant, that men seek the same naturally not by faith, but as it were by the works of the law: the which bias of the heart of man, in opposition to the gospel-doctrine, known only by a new revelation after the fall, being more subtile, and not so easily discerned as the other, which is opposite to the law, the knowledge of which was impressed on man's mind in creation; there is an evident necessity of guarding equally, at least, against the latter as against the former, lest the purity of gospel-doctrine suffer, and man frustrate the grace of God, seeking righteousness by the law. And since we do apprehend, that the late General Assembly of this Church has not sufficiently adverted to the danger on that side, but that by their act, entitled, “Act concerning a book, entitled, the Marrow of Modern Divinity,” dated at Edinburgh, May 20th, 1720, gospel truth has suffered, and it is likely will suffer more in the rising and succeeding generations, unless a remedy be

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met on the Friday following, when the representers were called before them; but the committee could not agree upon a mode of management. On the Tuesday after, the

(or covenant of works,) while, in the mean time, according to the holy scriptures, and our Confession of Faith, they are not under it. Which exemption, we are fully satisfied, carrieth no prejudice unto the indispensable obligation of the creature to the strictest obedience, flowing from the unalterable authority of the Lawgiver, and the nature of the precepts themselves. Nevertheless, we firmly believe, that no small portion of the believer's safety and comfort, turns upon these following points;—namely, That the guilt of believers' sins, is not such as the guilt of their sins who are under the covenant of works;—that God doth not look upon the sins of believers after their union with Christ, as breaches of the covenant of works;—that when, in his anger against them for their sins, he smites them, yet he doth not proceed against them in the way of that covenant, and that in their confessions, and addresses for pardon, fastings, mournings, and humiliations, they ought to eye him as their Father in Jesus Christ, and not as their wrathful Judge, proceeding against them according to the law (or covenant) of works. All which truths seem to us to be buried in the ruins of the above-mentioned distinction of the law, as applied by the author of the Marrow.

Thirdly, It is astonishing to us to find, that part of the Marrow, which lies from page 150, to 153. condemned in *concursu*, as contrary to the scriptures, and Confession of Faith; while we must frankly own, if we understand the gospel, the forecited pages contain a bundle of sweet and pleasant gospel-truths, which, instead of slackening people's diligence in the study of holiness, as is alleged in the act, do discover the true spring of evangelical obedience to the holy law as a rule; particularly in the Assembly's act, we find the believer's plea, in the case of justification in answer to the demands of the law, cut off and condemned; viz. "I am already saved before thou camest, therefore I have no need of thy presence." (Here the book adds, what the Assembly's act omits, namely,) "For in Christ I have all things at once, neither need I any thing more that is necessary unto salvation." Then proceeds, "Christ is my righteousness, my treasure, and my work. I confess, O law! that I am neither godly nor righteous; but yet this I am sure of, that he is godly and righteous for me." In which terms, that blessed and famous reformer, Martin Luther, in his strenuous and courageous defence of the evangelical doctrine of justification, asserted the perfect obedience of the Lord Jesus as our Surety, to be the only righteousness upon which we may rely, in the case of justification before God: The which, that great champion for Jesus Christ maintained against the Antichristian world, with astonishing success in his time. We do believe, That the law, or covenant of works, being broken, had a twofold demand upon all mankind; without a valid answer to each of which, sustained by the Judge of all the earth, no man can see the Lord:—the one, the demand of satisfaction to justice for sin;—the other, the demand of obedience. And as we have no plea in answer to its former demand, but the sufferings of Jesus

representers were again before the committee, and on Wednesday before the commission, when they were warned to wait upon the committee and commission in August. In

Christ our Surety; so we have none, we dare pretend none, in answer to the latter demand of it, but that which stands here condemned; in regard, that as, in the language of the law, there is no obtaining of salvation but by works, (for the law is not of faith, but the man that doth them shall live in them,) so it acknowledgeth no good works, no keeping of the commandments, no godliness nor righteousness, but what is every way perfect. And we conceive, that believers being united to Christ, this their plea is sustained in the court of heaven, as the plea of the Surety's having paid the debt for them, whereby the demand which the law makes upon them for works, if they will obtain salvation, is cut off, they being appointed to obtain salvation another way, namely, by our Lord Jesus Christ: Yea, being already actually, though not completely saved, not according to the works of righteousness which they have done, but according to his mercy, by the washing of regeneration and the renewing of the Holy Ghost; of which salvation, conferred on them through Jesus Christ our Saviour, their deliverance from the law as a covenant of works, and consequently from its demands aforesaid, is a chief part.

Fourthly, With respect to the passages concerning the nature of faith condemned by the foresaid act:

1. It is grievous to us, that thereby that act of faith, by which a person appropriates to himself, what before lay in common in the gospel-offer, and without which there can be no receiving and closing with Christ for salvation, is in effect excluded from the nature of faith, which, as we apprehend, is thereby turned into that general and doubtful faith abjured in our national covenant.

2. Whereas it is notour, that our first reformers, and the body of reformed divines since, have taught concerning the nature of faith, in the same strain as in the condemned passages, and thereby cut the sinews of Popery; which doctrine of theirs, in the same manner of expression, stand in the Confessions of our Reformed Churches, and in the public standards of doctrine in this Church, before the year 1647, such as Confession 1560, the Helvetic Confession, received and approved by this Church, with exception only to holy days; CALVIN's Catechism, which was commonly annexed to KNOX's Liturgie; Mr. JOHN DAVIDSON's Catechism, approved and recommended by the Synod of Lothian and Tweedale anno 1599: As also, that little Latin Catechism, annexed to the Rudiments so long taught in Scotland; the famous and learned Mr. BORN of Trochrig's commentary upon the Ephesians, a work promoted and encouraged by the Assembly of the Church of Scotland. It seems to us no small disservice to the interest of religion, and a handle given the Papists against the Reformation, that by an act of a General Assembly of the Church of Scotland, that doctrine, or way of expressing it, is now condemned. And although we freely own, that in latter times saving faith has been well described, especially in our Confession of Faith and Catechisms, and the manner

August, they waited upon the committee three days, but were only once called upon. They were called before the commission once, at the same time, but it was only to tell them that

of speaking on that head is much altered from what some time was in use, yet we doubt not but the substance of the doctrine in that point is still the same, as will appear by comparing the above-mentioned Confession and Catechisms, with the three acts of Assembly, 1647 and 1648, receiving and approving the Westminster Confession and Catechisms; in which it is expressly declared, 'That the said Confessions and Catechisms are in nothing contrary to the received doctrine of this Church;' which they would not have said, if they had not thought, that receiving and resting in Christ for salvation did imply that assurance, whereby they ordinarily described before that time, and by which they understood, the fiducial act, or appropriating persuasion of faith; and not that assurance treated of in the Westminster Confession, which is a complex one, full and clear, containing not only the assurance included in the direct act of faith, but also that which ariseth from spiritual sensation, and rational argumentation; for which see Confess. chap. 18. § 2, 3. where it is said, "That the assurance of which they treat, is not only founded upon the divine truth of the promises of salvation, but also the inward evidences of these graces, unto which these promises are made, the testimony of the spirit of adoption witnessing with our spirits, that we are the children of God.— This infallible assurance (adds the Confession) doth not so belong to the essence of faith," &c. And, therefore, we are fully persuaded, that the late Assembly had done more acceptable services to God, to this and other reformed churches, had they discovered the real agreement between the more ancient and modern way of describing faith, than to condemn the former as erroneous; whereby a heavy charge is laid upon our reformers, this and other reformed churches, who generally have defined faith by assurance.

Fifthly, That the following passage is condemned, viz. 'The Father hath made a deed of gift and grant unto all mankind, that whosoever of them shall believe in his Son shall not perish,' is surprising to us: When in the condemned passage itself, extracted forth of the sacred records, we read that deed of gift and grant, by which we understand no more but the revelation of the divine will in the word, affording a warrant to offer Christ to all, and a warrant unto all to receive him. This treatment of the said passage, seems to encroach upon the warrants aforesaid, and also upon sovereign grace, which hath made this grant, not to devils, but unto men, in terms than which none can be imagined more extensive.

Waving the consideration of the expressions, judged by the Assembly exceeding harsh and offensive; since that which hath extorted this representation from us, is our concern for the truth, more than the manner of expressing it: Yet, seeing the interest of truth, and of that condemned book, are so much linked together, in this event, we cannot but represent briefly, the hard treatment we conceive this last to have also met with, when under the consideration of the late General Assembly; and such we apprehend to be,

an overture was prepared concerning their affair, to be laid before next assembly, and to warn them to attend the commission in November. In November the overture was con-

1. The heavy charge of maintaining, That the believer is not under the law, as a rule of life, is inferred from the author's inserting the believers to be free from the law, as it is a covenant of works, as if the law could not be a rule of life, but as it is the covenant of works. One would rather think, that the foresaid assertion of the author, doth plainly import the believer to be under the law in some other sense; and justice as well as charity obliges us to conceive the said other sense to be, that of the law as a rule of life; for as much as, in express terms, he hath declared the ten commandments to be the rule of life to a believer, page 5.

2. The charge of maintaining holiness not to be necessary to salvation, is fixed upon the author's teaching the believer to plead the obedience of Christ, in answer to the law's demand of good works for obtaining salvation, of which before: And upon his proposing his own judgment very modestly, as to the propriety of expression, with respect to the relation between good works and eternal happiness, in these words, viz. "So that good works, as I conceive, may rather be called a believer's walking in the way of eternal happiness, than the way itself." But how that doctrine can bear that inference, that holiness is not necessary to salvation, or how it tends to slacken people's diligence in the study of holiness, we cannot comprehend: For we can never grant, That the believer's walking in the way of eternal happiness, is not necessary to salvation, and that only the way itself is so. And yet after all, the author doth not tenaciously insist on his own judgment aforesaid, as to the propriety of expression; but immediately adds, "But, however, this we may assuredly conclude, that the sum and substance, both of the way, and of walking in the way, consists in the receiving of Jesus Christ by faith, and in yielding obedience to his law."

3. Fear of punishment, and hope of reward, not allowed to be motives of a believer's obedience, is inferred from that, the author would not have believers to eschew evil and do good, for fear of hell, or hope of heaven; as if hell only, and none of the fearful tokens of God's anger against his own children in this life, were to be in any sort reckoned punishments; and heaven only, but none of the sweet tokens of his love bestowed upon them in the way of close walking with God, were to be reckoned rewards. We shall only add here, that for as much as it is evident to us from the author's words, page 183, relative to the hope of heaven above mentioned, that he understands by doing good for hope of heaven, the doing it for hope of obtaining it by our own works and doings, we heartily approve of his position above specified, in that sense.

4. We cannot but account it hard, that whereas there are in the act, about 27 quotations out of the book, they are all condemned, without condescending upon the words or propositions which the Assembly aims at in the quoted passages: For verifying of which we refer to the act itself; yea, so far as we

cluded against them without their being heard, nor was the overture so much as read to them, but they were told that they must answer certain queries to be given them. This

can find, there are several of these quotations which seem to us to contain nothing of what is charged upon them, as particularly upon the first head anent the nature of faith, pages 175, 176, 177. And upon the head of universal atonement, pages 127, 128. And upon the fifth head, anent the believer's not being under the law as a rule of life, pages 209, 210.

5. It is also hard, that the book is condemned as denying the necessity of holiness to salvation, and the believer's being under the law as a rule of life, without making the least intimation, that the one half of the said book, contained in the second volume, is an explication and application of the holy law, in its ten commandments, not only to unbelievers, but also to believers themselves, for their direction and excitation to holiness of heart and life, and humiliation for their transgressions of it; yea, and without that half of the book its being once under the consideration, either of the Assembly or Committee for preserving the purity of doctrine.

Right Reverend and Honourable,

Although we don't account of the deed of the late assembly in this affair, otherwise than as an oversight, nevertheless our hearts tremble to think of its native consequences, and what use in the present and succeeding generations may be made of the words of the Assembly's determination, in the points of doctrine above mentioned, and of their strictly prohibiting and discharging all the ministers of this church, either by preaching, writing, or printing, to recommend the foresaid book: And on the contrary, enjoining and requiring them to warn and exhort their people, in whose hands the said book is, or may come, not to read or use the same: A book remarkable for setting the difference between the law and the gospel, the covenant of works and the covenant of grace, in a clear light; and for directing to the true way of attaining gospel-holiness, by which it has recommended itself to the consciences of many judicious ministers and Christians in this church, holy and tender in their walk.

As the growing humour in this generation, for turning that religion left among us unto a mere morality, which hath nothing but the matter common to it, with true holiness and gospel obedience, acceptable to God through Jesus Christ, is too notour to escape your observation. So it is with grief of heart we must say, that we conceive the above mentioned act of Assembly to have so opened the sluice to it, that if remedy be not timely provided, this matter must terminate in a confounding of the law and gospel, notwithstanding of our Confession of Faith and Catechisms witnessing against the same; which has been the lot of other public standards of doctrine before this time.

We are confirmed in these our fears of the dismal effects of that act, when we find in a following act of the same Assembly, namely, the 8th, en-

the representers considered an irregular mode of procedure, having learned that the commission had already come to conclusions upon this case, which no answers of theirs could alter,

titled, 'Act for preaching catechetical doctrine, with directions therein,' two clauses, the one relating to justification, the other to the necessity of holiness, being expressed in the terms following, viz. 'Of free justification, through our blessed Surety, the Lord Jesus Christ, received by faith alone; and of the necessity of an holy life, in order to the obtaining of everlasting happiness.' Concerning which we crave leave to represent, that the said form of words, being another than what is used in our Confession of Faith and Catechisms on these subjects, is stumbling to us, and cannot fail of being so to many in the present situation of affairs with respect to doctrine in this church, caused by the former act, for binding on the necks of believers in Christ the yoke of the law, as a covenant of works; the ministers of this church had been directed to preach free justification through our blessed Surety, the Lord Jesus Christ, 'only for his righteousness imputed to us, and received by faith alone,' the ground of offence on the former head had been lessened: But that in such a circumstantiate case, the great doctrine of justification was winded up in such terms, as gave shelter to the erroneous doctrine of justification for something wrought in, or done by the sinner, as his righteousness, or keeping of the new and gospel law, is exceedingly grievous; especially, considering that a motion expressly made to the Assembly, for mentioning the righteousness of Christ in that case, was slighted. And whereas the said Assembly, by their former act, have condemned the above-mentioned plea, in answer to the law's demand of good works for obtaining salvation, and that the law acknowledgeth no works for obtaining salvation, but such as found a title to it before the Lord; we conceive their directing of ministers by the latter act above mentioned, to preach (evidently in contradiction to the condemned doctrine of the Marrow on that head) the necessity of a holy life in order to the obtaining of everlasting happiness, to be of very dangerous consequence to the doctrine of free grace. And in our humble opinion, the receding from that doctrine may be reckoned among the causes of, and as having no small influence upon, the want of the gospel-holiness, so much and so deservedly complained of by the ministers and people in these our unhappy days.

For brevity's sake, we do not here represent several other grievances, important in themselves, and weighty to us; yet we cannot but regret the flame raised in this church by the overtures concerning kirk sessions and presbyteries, transmitted by the late Assembly: Nor can we, without horror, think of the further evils and inconveniences that will inevitably follow, in case they should be turned into standing acts. But it is hoped this Assembly will be so guided by the great Master of Assemblies, as to put a stop to what further detriment the Church of Scotland may sustain by the said overtures; as also, effectually to prevent for the future, all grounds of complaint that may be made to subsequent Assemblies, against the proceedings of such as have

yet, for the vindication of truth, and to remove every shadow of suspicion that they wished to hide their sentiments, they agreed to receive the queries, though they were cautious enough, for the sake of justice, to do it under a protest.

In the month of March, the twelve brethren appeared again before the commission, and gave in their answers to the queries that had been given them in November.* These answers form

gone before them, and consequently to cut off all occasion for representations of this nature hereafter.

"May it therefore please the very Reverend Assembly, seriously and impartially to consider the premises, with the great weight and importance of this affair, in which the honour of our common Master and message, the salvation of souls, our Confession of Faith and Catechisms, our covenants, national and solemn league, and the remains of the peace of this Church, are so much concerned: And laying aside all considerations of another kind, repeal the 5th act of the late Assembly, entitled, 'Act concerning a book, entitled, *The Marrow of Modern Divinity*:' And to provide such remedy as may remove the offence arising from the two above-specified clauses, in the 8th act of the said Assembly, entitled, 'Act for preaching Catechetical Doctrine, with directions therein:' Which will afford matter of thanksgiving unto God, in behalf of the truth, and of yourselves, to many who love the truth and peace."

The Names of the Subscribers.

Mr. James Hog,	} Minister of the Gospel at	Carnock.
Thomas Boston,		Etterick.
John Bonar,		Torphichen.
John Williamson,		Inveresk and Musselburgh.
James Kid,		Queensferry.
Gabriel Wilson,		Maxton.
Ebenezer Erskine,		Portmoak.
Ralph Erskine,		Dunfermline.
James Wardlaw,		Galashiels.
Henry Davidson,		Orwell.
James Bathgate,		Lilliesleaf.
William Hunter,		

* The following are the queries, with the proviso under which they were taken up.—"I. Whether are there any precepts in the gospel that were not actually given before the gospel was revealed? II. Is not the believer now bound by the authority of the Creator to personal obedience to the moral law, though not in order to justification? III. Doth the annexing a promise of life, and a threatening of death to a precept, make it a covenant of works? IV. If the moral law antecedent to its receiving the form of a covenant of works had a threatening of hell annexed to it? V. If it be peculiar to believers to be free of the commanding of the law as a covenant of works? VI. If a sinner being justified has all things at once that are necessary to salva-

one of the most condensed and luminous pieces of divinity, to be found in our own or any other language, but are too long to be inserted here, and they do not admit of being abridged.* The reader, of ordinary penetration, cannot but

tion? And if personal holiness and progress in holy obedience is not necessary to a justified person's possession of glory in case of his continuing in life after his justification? VII. Is the preaching the necessity of a holy life, in order to the obtaining of eternal happiness, of dangerous consequence to the doctrine of free grace? VIII. Is knowledge, belief, and persuasion that Christ died for me, and that he is mine, and that whatever he did and suffered, he suffered for me, the direct act of faith whereby a sinner is united to Christ, interested in him, instated in God's covenant of grace? Or is that knowledge or persuasion included in the very essence of that justifying act of faith? IX. What is that act of faith by which a sinner appropriates Christ and his saving benefits to himself? X. Whether the revelation of the divine will, in the word, affording a warrant to offer Christ unto all, and a warrant to all to receive him, can be said to be the Father's making a deed of gift and grant unto all mankind? Is this grant made to all mankind by sovereign grace? and whether is it absolute or conditional? XI. Is the decision of the law as explained and applied in the Marrow to be justified, and which cannot be rejected without burying several gospel truths? XII. Is the hope of heaven and fear of hell to be excluded from the motives of believers' obedience? And if not, how can the Marrow be defended, that expressly excludes them, though it should allow other motives?"

Edinburgh, November ninth, 1721:—"We, the subscribers of the Representation, and petition to the General Assembly, 1721, concerning an act of assembly, 1720, condemning the Marrow, being called by the commission of the late General Assembly, to answer some queries alleged to be founded upon the said representation. Considering that the reverend commission, having in August last, passed an overture, and therein made determinations upon the several heads of the representation aforesaid, which no answers of ours can warrant them to alter, and considering, that the putting queries to us in this manner, is, we conceive, an uncommon and undue manner of procedure, we do not look upon ourselves as obliged to answer them. Nevertheless, for the sake of truth, and to take off any shadow of suspicion, though ever so groundless, and being neither afraid nor ashamed to bring to light our sentiments on these points, in the form of answers to these queries, as well as we have already done in our representation, we judge it expedient to condescend to take them under our consideration, and to give answers thereto, against the commission in March. Withal; protesting, that this, our condescension herein, shall not be constructed an approbation of this method of proceeding, nor be improven as a precedent.

* These Queries, with the answers to them, have been several times printed. They have been lately imbodied in a neat little volume, entitled, "Gospel Truth Stated and Illustrated," &c. containing a great mass of curious and use-

observe, throughout the whole of this business, an insidious reference to the Marrow; as if gospel truth had had less of the representers' attention, than the honour of that book. The very titling of the queries, "Queries to be put to Mr. James Hog, and other ministers, who gave in a representation in favour of the Marrow," &c. manifest the same subtle and disingenuous management. This the brethren were too well acquainted with the history and the nature of polemical warfare to overlook, and they guarded against it, by prefacing their answers with the following caveat:—"Adhering to, and holding as here repeated, our subscribed answer given in to the reverend commission, when by them called to receive these queries—we come to adventure, under the conduct of the faithful and true Witness, who hath promised the Spirit of truth to lead his people into all truth, to make answer to the said queries. To the which, before we proceed, we crave leave to represent, that the title thereto prefixed, viz. "Queries to be put," &c. as well as that prefixed to the commission's overture anent this affair, hath a native tendency to divert and bemist the reader, to expose us, and to turn the matter off its proper hinge, by giving a wrong colour to our representation; as if the chief design of it was to plead, not for the precious truth of the gospel, which we conceive to be wounded by the condemnatory act, but for The Marrow of Modern Divinity; the which, though we value for a good and useful book, and doubt not but the church of God may be much edified by it, as we ourselves have been, yet came it never into our minds, to hold it, or any other private writing, faultless, nor to put it on a level with our approved standards of doctrine." Had these answers been fairly and freely read in the assembly, it is scarcely possible but they must have been approved of; but they were hushed in the commission, the subtle managers of which, most probably expected that they would never be allowed to go farther. At the same time, there cannot be a doubt, but that they reached conviction to many who were in the commission, which, with the universal clamour excited by the act

ful information, collected by the worthy Mr. John Brown, minister of the gospel, Whitburn.

of assembly, 1720, led to a very general desire to have that act re-considered, and something done to quiet the minds of men, and put an end to those evil surmisings, that were extensively spreading in every corner of the country. Far, however, from retracing their steps, candidly admitting that that assembly had been rash, and repealing their crude and ill-advised act—the fruit of that rashness—this assembly set to work, much in the same manner, first, by garbling the representation given in by the brethren, as its predecessor had garbled the Marrow, and thus fixing imputations upon the representers, which their representation, fairly quoted, gave no room for, and then proceeding to censure them, as having “vented diverse positions, and used several expressions of dangerous tendency, and not agreeable to the form of sound words, contained in the Holy Scriptures, and our Confession of Faith and Catechisms.”* The act of assembly, 1720, they largely explained and confirmed; and by this confirmation, though the explanations took away somewhat of their grossness, certainly homologated all the errors which had been, and still are, justly charged upon that unfortunate deed.† All ministers of the church, were, as by that former act, prohibited from teaching any of those excepted positions; and presbyteries and synods were enjoined “to take particular care that the premises be punctually observed by all ministers of this church, and more especially the presbyteries and synods, within whose bounds any of the brethren reside who signed the representation. And, considering that the brethren’s desire, that the act, 1720, should be repealed, is unjust, the assembly does refuse the same. And because of the injurious reflections contained in their representation, as above mentioned, the assembly do appoint their moderator, in their name, to rebuke and admonish them; and though their offence deserves a much higher censure, yet the assembly forbears it, in hope, that the great lenity used towards them shall engage them to a more dutiful behaviour in time coming.”

The rebuke and admonition were given accordingly; and,

* Acts of Assembly, 1722, p. 25.

† *Vide* Act concerning the doctrine of grace, by the Associate Presbytery, in Gib’s Display of the Secession Testimony, vol. i. pp. 176—211.

as Mr. Boston, who was one of those who were admonished, says, "received by the representers with all gravity, as an ornament in the cause of truth." A protest against this deed, signed by every one of them, was, at the same time, given in by the hand of Mr. Kid, of Queensferry, a man of singular boldness, and instruments taken upon it in due form; but the assembly refused either to read it, or record it, and hastened to close the sederunt. Nothing else of great public interest seems to have come before this assembly, and it broke up on the twenty-second, having appointed its next meeting for the second Thursday of May, 1723.*

* Acts of Assembly, 1722.

THE
HISTORY OF SCOTLAND.

Book VI.

1722—1727.

Pretender's declaration—Ordered to be burned by the hands of the hangman—Bill for a tax upon papists—Christopher Layer executed—Atterbury banished—General Assembly—Scottish nonjurors—General Assembly—Dissensions among the Scottish bishops—Letter from the pretender—Scheme for an excise on beer in Scotland—Raises great dissatisfaction—Pretender withdraws his confidence from the earl of Marr—Plan for the ameliorating the condition of the Highlanders—Malt tax—Opposition of the brewers—Riot at Glasgow—Magistrates carried prisoners to Edinburgh—General Wade—Attempt of the pretender to raise the Highlanders—Attempt to disarm them futile—Distraction in the pretender's councils—His wife takes refuge in a convent—He quarrels with the court of Rome—Removes the tutor of his son as requested by the pope—Resolves to leave Rome—Disappoints all his friends—Proposes to land in England—Defection among his adherents—Helpless state of his affairs—Plan for a Scottish Parliament—For making a conquest of Hanover—For a new manifesto—General Assembly—Intrigues of the episcopals—Disputes among the bishops—Correspondence of the pretender discovered—Lockhart absconds—Complaints by the General Assembly—Messrs. Archibald and Glass—Unhappy influence of patronage—King goes to Hanover—His Death and character—State of Scotland, &c. &c.

ON the sixteenth of November, 1722, his majesty sent to the house of peers the original, with a printed copy of a declaration by the pretender, dated at Lucca, on the twentieth day of September, this present year, “addressed to all his loving subjects of the three nations, and to all foreign princes and states, to serve as the foundation of a lasting peace in Europe.” In this singular paper, “the pretender begins with showing how fond he is of his subjects; that, though the obligation he owes to his own honour be great, yet the obligation to the safety and tranquillity of his native country, is above all ties the dearest to him and the tenderest. He then talks of the late violations to the freedom of elections; of conspiracies invented on purpose to give pretence for new oppressions; of infamous informers; and a state of proscription in which he concludes every honest

well-meaning man to be. These considerations have engaged him to enter seriously into himself, and examine his heart, what sacrifice to make on his own part for the public peace, especially of these kingdoms, of which he is the natural and undoubted father. Then he proposes, that, if king George will quietly deliver to him the possession of his throne, he will, in return, bestow upon him the title of king in his native dominions, and invite all other states to confirm it, with a promise to leave to him his succession to the British dominions secure, whenever in due course his natural right shall take place. As motives to this resignation, he says, that in king George's native dominions an uncontestable right will free him from the crime and reproach of tyranny, and represents the difference between a calm undisturbed reign over a willing people, and a restless possession in a strange land, where authority, forcing the inclinations of the people, can only be supported by blood and violence, eternally subject to fears and alarms, even when no danger appears. He concludes with saying, king George's settlement here is frail and uncertain, because his title shall, while the pretender has health or any descendants in being, be for ever disputed, conjuring him, instead of advising with an imperious ministry, as much his tyrants as the nation's, to consult his reason, to ask his conscience, and to examine his interest and glory, and then his very ambition will admonish him to descend from a throne, which must be always shaking, to mount another where his seat will be firm and secure."*

This piece of childish and inane sentimentality, the lords unanimously declared to be an insolent and traitorous libel, and as such, ordered it to be burnt at the royal exchange by the hands of the common executioner. The commons concurred in these resolutions, and both houses joined in an address, expressing their utmost astonishment and indignation at this insolence on the part of the pretender, and assuring his majesty, they would support his title to the crown with their lives and fortunes; and, perhaps to prevent a sudden call upon their fortunes, prepared a bill for raising one hundred thousand pounds upon the real and personal estates of all papists, or

* Parliamentary History, &c.

persons educated in the popish religion, to be applied towards defraying the expenses occasioned by the late disorders. This bill, though strenuously opposed by some of the more moderate members as a species of persecution, as it certainly was, passed to the lords, together with another, obliging all persons being papists in Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of the king's person and government, to register their names and real estates. Both these bills passed the upper house without amendment, and by the royal sanction, were speedily rendered effective as laws of the united kingdoms.

Nothing had hitherto been done with regard to the conspirators apprehended in the early part of the summer, but now, on the twenty-first of November, Mr. Christopher Layer was brought to trial before the court of king's bench, convicted of inlisting men for the service of the pretender, and sentenced to die; he was reprieved from time to time, and frequently examined by a committee of the house of commons, in order to elicit from him the particulars of the plot, but he refused to make any disclosures, and suffered death at Tyburn, on the twelfth of March, 1723, his head being afterwards fixed up upon Temple Bar.*

The particulars of this plot have never been clearly explained. Mr. Pulteney, chairman of the committee of the house of commons, appointed to inquire into it, reported to the house, "that from the examination of Layer and others, it appeared that a design had been formed by persons of distinction at home, in conjunction with traitors abroad, for placing the pretender upon the throne of these kingdoms. That their first intention was to procure a large body of foreign troops to invade the kingdom during the time of the elections, but being disappointed in this, they had resolved to make the attempt, when it was expected the king should have gone to Hanover, with the assistance of such officers and men as could pass into the kingdom from abroad unobserved. The whole was to have been under the command of the late duke of Ormond, who was to have landed in the river with a large quantity of arms, pro-

* Smollett's History of Great Britain, &c. &c.

vided in Spain for the purpose. They expected to have seized upon the Tower at the same time. This being also frustrated by the vigilance of the government, they deferred their enterprise, till the camp, which had been formed by his majesty's orders, should break up, and, in the meantime, employed their agents to seduce and corrupt the officers and men employed in the army. He also stated, that from several letters, as well as from a variety of circumstances, it appeared the late duke of Ormond, the duke of Norfolk, lord North and Gray, the earl of Orrery, and Atterbury bishop of Rochester, if not the leaders, were, at least, deeply implicated in the conspiracy; and that their acting agents had been Christopher Layer and John Plunket, who travelled together to Rome, Dennis Kelly, George Kelly, and Thomas Carte, nonjuring clergymen, Neynoe, the Irish priest whom we have mentioned as being drowned in the Thames, in attempting to escape from the person who took him into custody, Messrs. Spilman, *alias* Yallop, and John Sample. Bills were brought in and passed, for inflicting pains and penalties upon John Plunket, and George Kelly, who were, by these acts, to be kept in close custody during his majesty's pleasure, in any prison in Great Britain, and that they should not attempt to escape under pain of death, to be inflicted upon them and their assistants. A bill of the same nature was brought into the house of commons, against Atterbury, who wrote a letter to the speaker, importing, that though conscious of his innocence, he should decline giving the house any trouble, contenting himself with the opportunity of making his defence before another, of which he had the honour of being a member. Counsel being heard for the bill, it was committed to a grand committee on the sixth of April, 1723, when the most of the tory members quitted the house. It was then moved, that the bishop should be deprived of his office and benefice and banished the kingdom for ever, which, notwithstanding considerable opposition, was triumphantly carried.

The bill having passed the commons, was sent up to the lords, and the bishop was brought to his trial before that house on the ninth of May. He made an able defence, and his eloquence, politeness, and ingenuity, brought him many friends. Earl Poulet, lord Wharton—who had once been the principal

orator of the whigs in that house, but was now become a papist and a Jacobite—and the lords Bathurst and Cowper, spoke strongly in his favour, nevertheless, he was deprived of all his offices, benefices, and dignities, and declared incapable of enjoying any for the future. He was further banished the realm, and subjected to the pains of death in case he should return, as were all who should be found corresponding with him during his exile. The sentence being confirmed, he was, on the twenty-second of June, 1723, put on board the Aldborough man of war, which landed him at Calais, with his daughter, Mrs. Morris, and her husband, on the very day that Henry St. John, lord Bolingbroke, having made his peace with the government, arrived there on his way to England, which made the bishop facetiously observe, that they were exchanged. He continued till his death in exile and in poverty.

The assembly of the church of Scotland being met on the ninth of May, 1723, the earl of Hopeton, commissioner, James Smith, minister of Cramond, moderator, voted a loyal address to his majesty, on his being delivered from the recent plot to restore the pretender. In this address the assembly say, "We have for a long time observed with astonishment the restless and impudent malice of your enemies, endeavouring to misrepresent your majesty's just and gracious administration, in order to infuse their own disaffection to your person and government into the minds of others of your majesty's unwary, though well-meaning subjects. With this view have they charged upon your reign those evils to which none but themselves gave rise. They have set forth the most innocent, necessary, and prudent steps of your administration in the falsest and blackest colours, and have even denied and ridiculed your royal goodness and mercy, to which multitudes of themselves, and of their nearest relations, owe their very lives and fortunes; so monstrous is their disingenuity and ingratitude, and such is their unaccountable fondness to have your kingdoms again enthralled under all the miseries of popery and arbitrary power." There was little else came before this assembly of general interest, except the case of Mr. Gabriel Wilson, minister of Maxton, whom they proceeded to admonish for an excellent sermon

preached by him before the synod of Merse and Teviotdale*, in which he had enlarged upon some of those doctrines of the gospel, that, under the name of Marrow doctrines, had become obnoxious to the leaders of the Scottish establishment. A process had been carried on against Mr. Wilson, by the synod, from the time of its delivery, in 1721, till it ended in a reference to this assembly; by which, Mr. Wilson was admonished "to keep the form of sound words, and to beware of expressing himself, upon any occasion, in such terms as may be of bad influence on Christian practice, or any ways tend to weaken the life and power of godliness, and be of dangerous consequence to the great interests of precious souls."† Such were the suspicions entertained by this assembly of doctrines, which had all along been carefully imbodyed in the standards of the Scottish church; doctrines, which, preached by the early reformers, especially by Luther and Calvin, had shaken the fabric of Romish superstition to its very foundations, and had been the blessed mean of regenerating protestant Europe. Instructions were also given by this assembly to the commission, "to think upon proper means to hinder magistrates, and others, in public trust, from frequenting illegal meeting-houses," &c. and to "the procurator and agent for the church, by direction of his majesty's advocate, to commence prosecutions against popish schoolmasters and schoolmistresses, &c. and for getting legal schools erected in parishes where popery abounds." From these acts, it is probable there flowed little of either good or evil. Kings' advocates and procurators are at best missionaries of a suspicious character, and, though they have sometimes been pretty efficient on the side of error, have made but few converts to truth. In the present instance they were too busy, supporting and strengthening by political intrigue the ascendancy of the moderates, to pay any attention to their new commission. But the commission itself was much. It showed distinctly that orthodoxy was not the alone object of the assembly's detestation, and by occupying the

* This sermon, entitled "The Trust," has been often printed, and few sermons of equal merit have issued from the Scottish press.

† Acts of Assembly, 1725.

public mind with the terrors of popery, diverted it from taking any interest in the fate of a few obscure ministers, and one or two disputable points in divinity! which was what the assembly had principally to fear, and which they were peculiarly anxious to guard against. The assembly was dissolved in the usual form, on the twenty-third, having appointed their next meeting for the second Thursday of May, 1724.*

At this period there appears to have been little transacted in Scotland worthy of being recorded. A close correspondence was still carried on with the chevalier, by those calling themselves his trustees, but it related principally to squabbles among the nonjuring clergy, who had fallen out among themselves—some of them being jealous of the chevalier assuming too much authority over them, and some of them wishing to introduce several usages into the practice of the church, which had not the sanction of any regular authority, civil or ecclesiastic, such as the mixture of the cup, chrism, prayers for the dead, &c.; which, as they gave countenance to the idea generally entertained among the presbyterians, that all who were episcopal in religion, or Jacobite in politics, had a leaning, at least, if not a positive predilection for the church of Rome, gave considerable alarm to some of the Jacobite leaders, as tending to strengthen prejudices, and to keep alive suspicions, which it was the great object of their endeavours to soothe and to lay asleep. From this correspondence it is evident that the late conspiracy had extended but partially to Scotland, if it had been known there at all, and that at present expectation was turned to the other end of the island. “Your friends,” says Lockhart, writing to the chevalier, in December this year, “live pretty easily here just now, but how long it may be so, God only knows, being, by the repeal of the *habeas corpus*, at the mercy of their enemies. We have been pretty much in the dark of late, and the truth is, there’s no need, nor any great curiosity to have secrets communicated to this part of the island, where we want nothing but a hearty concurrence of those in the south, to bring matters soon about to our mutual benefit.” The reply of the chevalier in April following is soothing and

* Acts of Assembly, 1725.

hopeful:—"Great caution will be necessary, on all sides, for fear of giving the government any handle of exercising the same severities in Scotland, as they have done in England, where, I am in great hopes none will, at least, suffer more than by present confinement; and on the whole, considering the present disposition of the nation, and the posture of affairs in Europe, I think we have all reason to hope for some favourable change. My endeavours to hasten it are continual, and when the time comes, I cannot doubt of the hearty concurrence of my Scots subjects, for whom I have, and ever shall have, the most sincere and tender affection."

This tranquillity, however, on the part of the Scottish Jacobites was soon disturbed by the act of parliament, imposing on all persons the oath of abjuration, and compelling such as did not, to register their names and real estates. "It exposed," says Lockhart, "the king's friends to great difficulties. Such as did not comply, were left at their enemy's mercy—and those who did, were likely to be disesteemed by those who did not; which could not fail to occasion a dryness, at least, amongst people, who, in the main, aimed at the same things. Many, to obviate the penalties of the law, or to render themselves qualified to follow out their employments, as lawyers, or the like, inclined to comply, but wished the taking of it might have its rise, from a general measure concerted by the leading men of the party."*

To effect this purpose, viz. to bring the whole party to perjure themselves by common consent, or to connive at one another doing so, Lockhart, and Henry Maule, now become, by the death of his brother, earl of Panmure, and the earl of Kincardine, applied themselves with great diligence. The duke of Hamilton, as the most influential man of the party, not having taken the oaths himself, was applied to again and again, to bring the whole of the party together, but without effect; for "though he approved of the measure, he could not be persuaded to leave his country diversions, and spend a few days in town upon so pressing an occasion."† Finding themselves thus unable to form a plan for the conduct of their party, they agreed to lay the whole affair before the chevalier, which was

* Lockhart Papers, vol. ii. pp. 97, 98, 102.

† Ibid. p. 103

done by Lockhart, in a long letter, pretty plainly desiring him to interpose his authority in the matter.* To this, we do not find that the chevalier made any more direct reply, than to press upon all his friends unanimity and patience; adding,

* The following is part of Lockhart's letter, and is a precious specimen of party and political morality. The idea of trusting themselves in the hand of God rather than of such men as they had to do with, that was to perjure themselves trusting to be forgiven, rather than run any risk in their liberty or property, cannot but strike the most superficial thinker.

"The late act of parliament obliging all persons to take the oaths to this government, or register the value of their real estates, is like to have very small effects; for how far the penalty or mulct to be imposed on such as do not comply will extend, no man can say; but as we have reason to expect, matters will be driven as far as a furious set of men can devise. Some of your trustees have had severall consultations on this subject, and so far they have concluded, that as generall measures as possible be taken and followed out, which they are endeavouring to propagate, and are at pains to know what are people's sentiments and resolutions, that so a generall measure may be laid down if possible. There are some who will expose themselves and their families to the greatest hardships rather than qualify, but by what we can gather, the greatest part incline to venture themselves in the hand of God, rather than of such men as we have to do with, tho' at the same time they will stave it off to the last moment. Some of good consideration are very desirous to have your advice and directions; I told them that was a subject I could not venture to write on to you, that I did not think they could expect you would explain yourself on that head; and the utmost they could desire from you was, an intimation that what they might do at this juncture and in this strait to preserve themselves and their families from ruin, would not induce you to suspect their loyalty and sincere attachment to your interest, when any opportunity offered for your service. Tho' I would not accept of any direct commission to write to you on this subject, I thought it incumbent on me to let you know the state we were in, and how I found people were inclined. One thing is plain; if people act at random and without a rule and measure, many will comply and many stand out, and these too probably as formerly will value and reckon themselves more upright than the others, who on the other hand, as it is a certain truth universally known, that their compliance will proceed altogether from a view of eviting the effects of persecution, and that they still will retain their zeal for your service, will think they are not to be less esteemed and trusted. These different ways of reasoning according to the different passions and views of men, as they may occasion heats and divisions, ought by all means to be avoided and prevented. Having thus represented the present state and what consequences may follow, you can best judge how far it is proper and convenient for you to interpose and give any directions, or even signify your sentiments on so nice and critical a point." Lockhart Papers, vol. ii. pp. 108, 109.

that "of all evils, none can be so fatal as any division amongst the loyal party; and many evils ought to be passed over, and suffered, rather than venture the least breach amongst those who are united in the same cause."*

The General Assembly of the church of Scotland met at Edinburgh on the fourteenth of May, 1724, James, earl of Findlater and Seafield, commissioner, William Wishart, principal of the college of Edinburgh, moderator. This assembly, for the convenience and general advantage of ministers and people in the bounds, erected four new presbyteries, viz. Gairloch, Abertarf, Sky, and Long Island, and these four presbyteries into a new synod, to be called the synod of Glenelg. The act of assembly, 1711, respecting the more frequent administration of the sacrament of the Lord's Supper, was renewed by this assembly, and, to prevent abuses by crowds of idle persons attending on these occasions, it was enjoined upon presbyteries to provide for supplying all the neighbouring congregations at such times with sermon. In a case of two candidates for one charge, we find a remarkable decision of this assembly. The candidates were William Carlyle, and Edward Bunckle, who had both obtained calls to Lochmaben, the former had also been presented by the crown, but the assembly set aside both calls, and, after reprovng the presbytery of Lochmaben for precipitancy in the affair, appointed them to moderate a new call, "that the deliberate and free choice of the parish may more fully appear." It was also "earnestly recommended to the synod of Dumfries to bury all the heats which this affair has created among them, and to live together henceforth in the bonds of amity and peace;" his majesty's advocate was, at the same time, "entreated to use his good offices with his majesty not to insist upon his presentation to Mr. Carlyle in prejudice of the above determinations, and both synod and presbytery were advised "not to bring into their books any part of this affair, or papers belonging thereto, which are not already recorded, that all memory of the differences that have arisen amongst them about it, may be utterly extinguished."† This

* Lockhart Papers, vol. ii. p. 175.

† Vide Unprinted Acts of Assembly, 1724.

decision is the more worthy of notice that the acceptance of presentations was now becoming common, and, as we shall see, were deemed amply sufficient for inducting presentees into the charge of parishes, though they could plead no other call. The assembly also published an act, or warning, on occasion of some tumults in and about Kirkcudbright, in which several enclosures had been forcibly thrown open, these enclosures being considered as encroachments upon the rights of the community, and such encroachments as could be supported by nothing but a government that was illiberal and tyrannical in the highest degree. In this judicious and well-timed warning they obtest the people, "as they have regard to the commands of God, the eternal salvation of their souls, as well as the safety of their bodies and families, that they desist from such practices in time coming, and live quietly and orderly, in submission to the laws of the land, and to their rulers, who are the ordinance of God, and particularly in loyalty and obedience to our protestant sovereign king George; and all ministers are admonished in their sermons, prayers, or private conversation, to beware of any expressions that may seem in the least to justify such practices, or to alleviate the guilt of them, or that may be interpreted to import that any sufficient ground or occasion hath been given to commit such abuses. And it is recommended to the gentlemen who have been injured by these irregular practices, to use the greatest tenderness towards a misled, poor people, in order to reduce them to their duty."*

This act was appointed to be read from all the respective pulpits in that neighbourhood, with suitable exhortations; and it might not have been improper to have ordered it to be read in all the pulpits of Scotland, for, though it was in that particular quarter, viz. the neighbourhood of Kirkcudbright, where it had burst forth into acts of violent outrage, the feeling was general all over the country, and it was artfully fomented and aggravated by the Jacobites, to destroy the credit of the government, although the circumstances that gave rise to it were the first-fruits, as well as the best proofs of that government's vigour and efficiency. That security of property which is the

* Unprinted Acts of Assembly, 1724.

first step towards improvement was beginning in some small degree to be felt; but the first efforts of the proprietors towards a better system of husbandry than had formerly been practised in Scotland, were regarded by the people in general, in the very same way they have been regarded in every other country, as absurd innovations, dictated by pride and presumption, and obviously tending to cruelty and oppression. In this light every thing of the kind was studiously represented by the advocates for king James, and at the same time traced to the accursed treaty of Union, as it was still termed; and in the same light were they viewed, and traced to the same source, by many who had no political purpose in view. Enumerating the evils of that period in a moral and religious point of view, a writer of very superior abilities, mentions "the heinous sin of oppression, covered with the specious pretext of improvement, whereby poor people are squeezed and reduced to most pinching straits, through gentlemen's racking their rents, demanding entries, and depopulating many corners, if not whole parishes, replenishing the same with cattle, &c. as if the Lord had given the earth to black stots, and not to the sons of men, which desolating practices, among other things, sadly portend Scotland's desolation."*

This assembly also passed an act, recommending parishes to take charge of their own poor, and to be careful, with the assistance of sheriffs, justices of the peace, &c. to suppress all vagrants, and having appointed their next meeting for the first Thursday of May, 1725, was dissolved on the twenty-seventh.†

The episcopalian Jacobites, who had laboured so long and so diligently to distress, and to foment disorder and division in the national church, seem now to have fallen into their own snare, and the violent disputes of their dignitaries, seem to have been the principal business they had at this time to attend to. The college of bishops had proceeded to consecrate a Mr. Duncan, and a Mr. Norrie, the former with a view to filling the vacant diocese of Glasgow, and the latter, of superintending

* *Vide* some of the grievances and complaints of the poor people of Scotland holden forth by way of answer to Mr. Freebairn's pamphlet, &c. &c. and plain reasons for dissenting from the Revolution church in Scotland, &c. &c.

† Acts of Assembly for 1724.

or inspecting the shires of Angus and Mearns. There was no opposition to the first, but, in order to oppose the latter, bishop Fullarton was persuaded to promise not to consent to his nomination, except he had a majority of the presbyters in the bounds, and was agreeable to the people. This occasioned long and violent altercation in the college, and among the leading Jacobites, especially Lockhart of Carnwath, and the earl of Panmure, who were ranked on opposite sides, and though at last a majority was obtained for Norrie, and he was appointed to exercise the episcopal jurisdiction in the foresaid shires, bishops Fullarton and Gedderer claimed a negative power, vested in Fullarton as PRIMUS, who was prevailed upon to refuse signing the minutes, "imagining, that if it was known that he had not consented, his character was so universally approved of, that it would lessen that of Norrie, and even give grounds to those that would not submit to him, to urge the invalidity of his title, in regard that he wanted the metropolitan authority belonging to the PRIMUS, which was necessary in this case." "This conduct of Fullarton," adds Lockhart, "lessened his character very much, and Rattray exposed himself exceedingly, having been so wilful as to enter, in name of the presbyters, a protestation against Mr. Norrie, and so rash or vain, as to print and disperse it through this and other kingdoms, to the great satisfaction of the presbyterians, who laughed and rejoiced at these divisions."* An account of these bickerings among the bishops, was transmitted to the chevalier by Lockhart, along with a request, that the board of trustees in Scotland should be empowered in time coming, to name all who should hereafter be appointed to any place of authority in the church, that so the recurrence of such scenes might be effectually prevented.

In the meantime, his trustees were favoured with a long letter from the pretender, wherein he informs them, that it is "scarcely possible the state of Europe should continue long as it is, and he could not easily imagine a change which would not be more or less favourable to the good cause. I do not indeed," he confesses, "see any immediate hopes of success in my negotiations

* Lockhart Papers, vol. ii. pp. 122—123.

with foreign courts, but the present system of politics is such, that they may alter when we least expect it, and therefore, my faithful Scots subjects should always have it in their view to be in a readiness of acting in a proper manner whenever a favourable occasion offers." He also informs them, that he had withdrawn entirely his confidence from Marr, as he would be obliged to do from all who may be any ways influenced by him. He is, at the same time, certain his friends will be glad to find how "entirely he can depend on the prudence and fidelity of John Hay, who has been entrusted with his secrets for many years past,"* and whom he now actually employs as secretary, and whom he soon intends to name publicly as such, "that he may be the better able to serve him and the cause." He cautions them at the same time, against the "artifices of their enemies, who are by all manner of means endeavouring to sow divisions and discord among them, as the only means they have left to support themselves by, but all their endeavours will be in vain if they find they are despised, and that nothing can shake my Scots friends in their union among themselves, and their submission and attachment to me." He adds, "I have had too many proofs of it, ever to doubt of their continuing in those their fixed principles, and I can say with truth, that I deserve this conduct from them on all accounts, since the tender affection I bear to them was born with me, and will ever induce me to do all in my power for their happiness and welfare."†

But a circumstance soon occurred, which gave greater scope to the mischievous propensities of the party, than this unmeaning kind of flattery was likely to produce, however long or zealously they might listen to it. In the latter end of the year 1724, a resolution passed the house of commons for laying, instead of the malt tax, sixpence upon the barrel of ale brewed in Scotland, and, at the same time, taking off the premiums on grain thence exported. This, of course, raised a prodigious outcry in Scot-

* Colonel John Hay of Cromlix, third son of Thomas, sixth earl of Kinnoul.

† Lockhart Papers, vol. ii. pp. 130, 131. Lockhart was a most devoted Jacobite, otherwise he might have been suspected of having framed the above letter, with many others of a similar strain, to bring the pretender into contempt, for which purpose they appear to be as completely calculated as the most bitter Hanoverian could have desired.

land, where it was represented as the consummation of all the oppressions that had been foreseen, as necessarily flowing from the Union. In this general outcry, the Jacobites everywhere, took the lead, and drove the opposition as near to rebellion as it was in their power to do. At a meeting of the heritors of the shire of Edinburgh, Lockhart presented the draught of an address to the house of commons, which was heartily approved of, signed, and sent off next day. This address was as follows:—"To the honourable, the commons of Great Britain, &c. &c. the petition of the barons and freeholders of the shire of Edinburgh, humbly sheweth:—That being informed of a motion made and agreed to in the house of commons, for imposing an additional duty of sixpence per barrel, of all ale vended and sold in Scotland, and for taking away the bountys allowed by law for exportation of the grain, that is of the growth and produce of Scotland, as an equivalent for Scotland being exempted from paying the same dutys on malt that are to be imposed in England—Wee beg leave to remonstrate against the same, not that wee apprehend this expedient will of itself be a greater burden than the malt tax, but because it would be expressly contrary to the articles of the Union, and would prove a dangerous precedent for introducing further innovations, and would invalidate the security of the present constitution which is established, and depends upon the contract of Union betwixt the two kingdoms. By the seventh article of the said Union, it is agreed that all parts of the united kingdom be for ever, from and after the Union, lyable to the same excise upon exciseable liquors, excepting only, that ale in Scotland sold and retailed for twopence the Scots pint, be not, after the Union, lyable, on account of the present excise upon exciseable liquors in England, to any higher imposition than two shillings upon twelve gallons of Scots measure, so that, if any further excise is imposed upon Scotland, without being at the same time extended to England, the equality stipulated by the foresaid article would be infringed. By the sixth article of the Union, it is stipulated and agreed that all parts of the united kingdoms for ever, from and after the Union, shall have the same allowance, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and lyable to the same duties and customs in export

and import, from which, it appears the grain of the growth and produce of Scotland, is equally entitled to premiums on exportation with that of the growth and produce of England, and debarring the Scots grain so exported, from being entitled to præmiums allowed and continued to the grain of England, wee conceive would be a plain and manifest violation of the said article. As the said two articles stand evidently in opposition to the foresaid motion, we beg leave to represent that they seem to us to be fundamental, and not subject to any alteration whatsoever, so long as the Union of the two kingdoms does subsist, for it is evident that they were intended, as it is expressly declared, that they should remain for ever, and consequently, wee humbly conceive are not subject, even to the legislature, whose power and authority, being founded upon the Union of the two kingdoms, must, by the law of nations, and the very nature of the Union, be regulated and determined by the contract of agreement between the formerly independent, but now united nations, an infringement of any part whereof, would be a violation of the faith on which the Union was founded, and without which it cannot subsist. Wee, therefore, earnestly pray your honours will reject the foresaid proposalls of an additional excise upon the ale in Scotland, and for debarring the grain and produce of Scotland, from having the same bountys on export as is allowed to the grain of England, as being contrary to the articles of Union, upon the faith whereof, the two kingdoms were and remain united, which wee hope, and are persuaded that you, the protectors of the liberties of Great Britain, will ever inviolably maintain.”*

This was certainly pretty strong language, but the letter to the member for the county, Dundas of Arniston, that accompanied it, also composed by Lockhart, is couched in terms still stronger. It is dated Edinburgh, December the seventeenth, 1724, and is as follows:—“My lord,—The accounts wee have lately had of a motion made and approved of in the committee of ways and means, for an additionall excise upon ale vended in Scotland, and depriving us of the bountys continued to England, on the exportation of their grain, hath alarmed us

* Lockhart Papers, vol. ii. pp. 135—137.

exceedingly, not only as it discourages our industry at home, increases the burdens which wee were formerly scarce able to bear, and tends to destroy our trade, but likewise, and chiefly, as it is a plain and manifest violation of the articles of the Union; seeing if such a precedent be laid down for altering, or rather subverting these articles, that are expressly stipulated to remain for ever, the same may be extended to every other branch, and all the priviledges and advantages that are stipulate for the benefit and security of the two nations, with respect either to their civil or religious interests.

“ The foundation of a government is so tender a point, as not to admit of any infringement, even in the most minute particular, without endangering the whole fabrick; and wee have the greater reason to be alarmed at such a design, because wee are united with a nation much more powerful than ours, and that wee have not an equal number of voices in the two houses of parliament, to support and maintain our rights, nor is there any umpire to whom wee can apply, and who is entitled to interpose and enforce the due observation of the articles and conditions, on which the Union of the two kingdoms is founded. As these dismal effects seem to us the natural consequences of the foressaid motion, wee doubt not but your lordship will exert yourself in opposing it. Wee were in hopes, that the same reasons which moved our neighbours in England to connive at the duty on malt not being exacted in Scotland for the time by-past, would have still prevailed with them to ease us of that heavy burden; but seeing the public service doth require a further demand of supplys upon this part of the kingdom, we would much rather have the duties upon malt imposed, and exacted at the same rate, and in the same manner as in England, than have a precedent laid down for unhingeing of the Union, which is a necessary consequence of that motion.

“ My lord, wee are extremely pleased to hear of the opposition your lordship made to the bill; there never was an occasion more pressing than the present, to exert your parts in defence of your country: wee doubt not but you will be vigorously seconded by all our countrymen in parliament, and wee hope you will all join and concur in showing your utmost resentment against the instruments and promoters of a design, attended with such fatal consequences; and wee cannot imagine there is

any person, or body of men so powerful, as to despise the effects thereof, when they are sensible it proceeds from a conviction of the injury intended to the country, and a fixed resolution of uniting together to maintain her just rights. Wee have heard what good effects such a hearty coalition of the Scots members did produce on a former occasion, when the malt-tax was first extended to Scotland, towards inducing the then powerful enough ministry to supercede the execution thereof, and as wee are persuaded the present representatives of Scotland are as sincere and resolute in their country's cause, wee may expect the same good effects will follow the like just resentment and vigorous resolutions following upon it; but in case wee be disappointed therein, as wee cannot but esteem such proceeding a plain downright violation of the articles of Union, wee do require, and expect that you will in the most solemn manner signify these our sentiments to the house of commons, after which, wee are of opinion, there is no further use for any representation of the Scots in parliament.

"Wee have transmitted to your lordship a petition to be presented, if you see proper; and wee are informed that the like will be sent from most, if not all, the shires and towns of Scotland, by which it will appear how uniform their sentiments are with respect to the subject against which they remonstrate. Before wee conclude, wee must acquaint your lordship, never was there any thing that seemed so much to affect the minds of people of all ranks and degrees in this country, and how far the same may be carried is very hard to tell, but in all appearance, it will occasion a great discontent that will not easily be removed, and may be attended with bad consequences. This, by direction and in name of the gentlemen who signed the petition, is signified to your lordship, by, my lord," &c. &c.*

"These warm addresses and instructions," it may well be believed, "did not a little startle the Scots members of parliament, and even the ministry; and they were backed by many private letters from their friends, threatening them with the highest resentment, if they did not perform what was required of them. "Had these members," Lockhart remarks, "been endowed with a public spirit and resolution, such applications would

* Lockhart Papers, vol. ii. pp. 137—139.

have been needless; but as they consisted of a parcel of people of low fortunes, that could not subsist without their board wages, which, at ten guineas a-week, during each session, was duly paid them, or mere tools and dependants, it was not to be expected they would act the part which became them for their country's service; and, therefore, these representations were judged necessary to spur them up to their duty, and withal show the ministry that the people would not behave so tamely as did their mean-spirited representatives."*

The Jacobites, in the meantime, while they put on the guise of patriotism, and openly promoted opposition to the measure, were highly gratified by it, hopeful that it would have been persisted in; and they had taken measures for electing delegates from the shires, to meet and correspond, for consulting and giving information of all that occurred, that so uniform measures might be taken and prosecuted with vigour and unanimity as occasion offered. Had the measure been passed, it was resolved that each shire and borough should meet, and recalling the right and power they had granted to their representatives to sit in the British parliament, elect others in their place to determine what was now to be done when the articles of Union were openly violated, and, of course, the treaty itself dissolved. All these schemes were, however, rendered nugatory, by the ministry at once abandoning the measure, and substituting three-pence per bushel on malt, being only the half of what was paid in England, to which all the Scots members submitted, without attempting any opposition.†

* Lockhart Papers, vol. ii. pp. 139, 140.

† "The ministry were desirous to have the malt tax, or something in lieu thereof, out of Scotland, because the revenues arising from that country did no more than pay the civil list, and maintain a suitable number of troops; and the charges of subsisting the Scots members of parliament became a burden upon the government, and they wanted to have an equivalent, or be eased thereof. So that Walpole plainly and frankly told these gentlemen when they applied to him, that they knew what money was raised, and how applied in Scotland, and they must lay their account with tying up their stockings with their own garters. Thus, for supporting a parcel of corrupt locusts the country must be oppressed, which, at the same time indeed, deserved no better, for electing a set of men, of whom no better could be expected." Lockhart Papers, vol. ii. pp. 140, 141.

A particular account of all these matters was carefully transmitted to the pretender and his friends in Italy, together with all the hopes and the fears of the party. Their hopes we have already seen—their fears were, that a law might be passed this session abolishing the peculiar dress of the Highlanders, and making it death for any of these people to wear arms. It was even believed, that there was a scheme on foot “for suppressing the language, with intention of dissipating that body of people;” and for this purpose, they supposed, that under pretence of reviewing the troops, general Wade had been employed the preceding summer, as he had traversed the highlands in all directions, examined the passes, inquired narrowly into the characters of the principal inhabitants, and taken notes of all that he either heard or saw. It is not at all improbable, that such views might have been entertained at the time; but there was neither wisdom in the administration properly to plan, nor firmness to carry through consistently such a measure.

In answer to their communications, the pretender highly commended the zeal, the firmness, and the fidelity of his friends; and though foreign affairs were still in as hopeless a state as ever, he could not but be of opinion, that he never had more reason to hope well from them, and for some favourable change at last in his favour; and he adds, “the best and most certain news I can send you at present, is that of the queen’s being about three months gone with child, which I am sure will be a very acceptable account to you,” &c. This expected child, however, whose birth promised to diffuse so much joy, instead of being a hero, the retriever of the fallen fortunes of his family, proved more imbecile and unwarlike than all his progenitors, but equally superstitious and obsequious to foreign influence, through the friendship of his holiness the pope, was created cardinal de York, and died the last of his unfortunate race.

In the beginning of the year, 1725, a letter from his secretary, colonel Hay, assures the still longing friends of James, that “there are many events, which, according to the course of nature, must soon happen, any one of which must give a fair opportunity to the king [James] to act to some purpose. He is doing every thing in his power to prepare himself to profit of a

favourable conjuncture, and does not doubt but his friends at home will be ready to join with him when he shall call for their assistance, which, when it does happen, will in all appearance be a surprise upon them.”* In no long time after, James himself announces to them the health of his queen, and “the new born.” In this letter he admits that “it is but too manifest in this conjuncture nothing but a foreign power can do the work effectually, and to begin it by halves would be ruining all. It is,” says he, “my friends’ business to be quiet, and to preserve themselves in a condition for being useful on a proper occasion, though that ought not to hinder them from using their utmost endeavours to thwart and oppose the measures of government, as far as that can be done without exposing themselves to the lash of the law, and, indeed, so far it is necessary they should exert themselves, since there is no other way left at present to keep up the spirit of the nation, and support the credit of the cause, which requires vigour as well as prudence in those concerned in it. I cannot but hope, more than ever, that the time of our deliverance is not far off, though I fear scarcely to be expected this summer.” In this letter he also announced his full determination to withdraw his confidence from the earl of Marr, and his having declared colonel Hay his secretary, and created him a peer of Scotland by the title of earl of Inverness. “I am persuaded,” continues he, “I shall never have cause to repent of that step, nor my faithful subjects to complain of it, for he is one who hath no other view in politics but to obey me in all things, and to serve them where he can; and the usage his lady hath lately met with, shows me the value even my enemies think I ought to put upon him. She was not charged with any commission from me when she went over, and, by the accounts I have, she has behaved herself with a great deal of firmity and courage.”†

* Lockhart Papers, vol. ii. p. 145.

† Lockhart Papers, vol. ii. pp. 150, 151. This compliment to lady Inverness, who was daughter to lord Stormont, and sister to the famous William Murray, created by George III. earl of Mansfield, will be better understood when the reader is informed, that she was at this time supposed to be one of the pretender’s mistresses, and that it was in consequence of this that her husband

Soon after passing the malt tax bill for Scotland, a bill, as had been expected, was brought into the house for regulating the Highlands, so as to extend to them the benefits of knowledge and civilization in common with other parts of the empire, that they might be no longer left a dead weight upon the community, and a magazine of mischief, ready to be played off upon the nod of any agitator, who should be able either to bribe their poverty, or to flatter their vanity. Before this bill got fairly through the house, however, it was so modified as to be of little real utility, and the execution of it ended in mere mockery. A much more beneficial scheme, the society for propagating Christian knowledge in the Highlands and Islands, set on foot, and supported by the church of Scotland, was materially aided at this time by the judicious and well-timed bounty of his majesty. The General Assembly of that church convened at Edinburgh, the sixth day of May, 1725, Hugh, earl of Loudon, commissioner, the Rev. James Alston, minister of Dirleton, moderator. "The commissioner delivered to the assembly a warrant under his majesty's hand, signifying his gracious inclination to contribute yearly a thousand pounds sterling for the encouragement of itinerant preachers and catechists, to assist the ministers of large parishes in the Highlands and Islands, where popery and ignorance do prevail, and giving to this assembly a thousand pounds sterling, to be disposed of by them for the foresaid purposes as they should think fit." This munificent donation was repeated every year by his majesty as long as he lived, and has been continued by his successors ever since, to the incalculable advantage of these benighted regions. For the convenience of the people, and that the ministers might be enabled to meet more frequently in a judicative capacity, the presbytery of the North Isles was by this assembly divided into three, viz. Kirkwall, Cairnston, and North Isles, and these three presbyteries they erected into a synod, to be called the synod of Orkney.* The good

was so very high in favour, and her brother, James Murray, created earl of Dunbar, and made governor to the young princes. All these doings gave so much offence to the wife of the pretender that she deserted him, and took refuge in a convent, as we shall have occasion to notice afterwards.

* Acts of Assembly, 1725.

effects of all such measures, however, were in a great degree counteracted by the efforts of the pretender and his friends, who regarded these poor oppressed and ignorant barbarians only in so far as they could be made subservient to their purposes of self-aggrandizement.

In consequence of the measures adopted in Scotland, with regard to the malt tax and the Highlanders, several changes of public men were effected. Lord Ilay was despatched to Edinburgh, with full powers to carry through the former of these measures, and, to forward the latter, general Wade was made commander-in-chief of all the forces and garrisons in Scotland, all ships of war upon the coast were subjected to his orders, and he was empowered to erect forts, &c. wherever he found it necessary. Several general officers were appointed under him, and he brought a number of troops from England along with him, which, with those already in Scotland, were marched north, and formed into a camp at Inverness, whence parties were to be issued forth to put in force the disarming act as circumstances might require.

In the meantime the disaffected were improving every circumstance to the best advantage for disturbing the peace of the country, and the malt tax being to commence from the twenty-third of June, was artfully and purposely represented as what would seal for ever the ruin of the country, as well as of every individual connected with the malt trade, which was still in many parts of Scotland an extensive business. Delegates from all the considerable towns in Scotland were sent to Edinburgh to confer with the brewers there, principally with a view to the forming some general plan for evading the duty. After many proposals had been made, it was agreed that the first thing to be guarded against was the duty on the stock of malt in hand, which, to avoid the heavy penalty imposed by the act of parliament in case it was not entered, they resolved to enter in terms of the act, but, at the same time, to make no payments of the duty thereon, and, if the commissioners sued them at law, to give up brewing, by which means they hoped to annihilate the excise, and thus convince the government that what they gained by the malt was to be lost by the produce thereof. This was surely absurd

enough, and it was met on the part of the government by a measure equally absurd, and at least equally illegal. The court of session had often exercised the power of regulating the prices of provisions, liquors, &c. though always in favour of the buyer; but now they reversed the matter, and, to gratify and soothe the brewers, passed an act of sederunt, requiring all brewers and retailers of ale in Edinburgh and its suburbs to sell the same at a certain higher price than formerly, allowing the brewers an abundant profit to pay the duty, without either hurting or diminishing their business. Full of the vulgar idea, however, that the malt tax was to ruin their trade, and, as the Jacobites told them, along with it their country, the makers and the sellers of ale refused obedience to this act, and, when called together by the lord advocate, the brewers declared that they would brew while the stock of malt lasted, but if they were sued for the duty, they would shut up their breweries, and go to prison rather than comply with the new regulations.

Highly irritated with this obstinacy on the part of the brewers, the lord advocate, in conjunction with the magistrates, brought a complaint against them before the court of session, for combining to put a stop to brewing for the future, and their lordships passed another act of sederunt, declaring that it was inconsistent with the public welfare, and therefore illegal for the brewers to quit the exercise of their occupations, and requiring them to continue and carry on their trade for three months to come, in the same manner, and to the same extent they had done for the previous month; nor, when the three months were expired, was any of them to give up business until fifteen days after he had intimated his design to the magistrates by a notary public. The principal men among them were also by the said act cited to appear next day, and give bond to the above effect, under the penalty of one hundred pounds sterling. Next day the brewers presented a petition, wherein they stated, that to require and compel private persons to enter into bonds under penalties, had already been by the claim of right declared to be a public grievance, and to oblige a man to follow any employment to the ruin of his family, they maintained, was authorized by no law, and justified by no

precedent; for which, with other reasons set forth in the petition, they requested to be excused from compliance with the act. Far from listening to the prayer of this petition, their lordships ordered it to be burnt by the hands of the hangman, and the brewers to be cited before them. On their appearing before the court, the brewers, with the exception of one, remained firm, and were certified, that if they did not comply with the act of sederunt aforesaid, between and the tenth day of August, they would be committed to prison, and there remain till the first of November.

While matters were thus in suspense, Carpenter's dragoons were brought into the city and suburbs, and the brewers were, at the instance of the commissioners of excise, cited before the justices for the duties upon the stock of malt on hand, when, according to agreement, they all left off brewing, and, by virtue of the act of sederunt, four of the principal of them, viz. Messrs. Cave, Lindsay, Scot, and Cleghorn, were thrown into prison. The justices in the meantime proceeded against the brewers, and, on the twenty-fifth of August, decerned them in double duties, and, finding that it would be impossible to avoid being compelled to pay the duty at last, the greater part of them complied with the act of sederunt, and gave bills for the duty upon the stock in hand, lord Hlay engaging that payment should not be demanded before the meeting of parliament. Those who were in prison finding themselves thus deserted, thought it vain to expose themselves to further suffering, and complied also.*

This amicable issue of the business in Edinburgh, was probably occasioned by the complete failure of a more serious contest in the west on the same subject, which was attended

* Lockhart Papers, vol. ii. pp. 165—168. Lockhart says, nothing was omitted to persuade them to comply. and "amongst other devices, Mr. Wightman, one of the city magistrates, commonly called nose Wightman, convened some few of them together, and proposing to call upon God in prayer for direction in so mighty an affair, he fell to work, and launched out in raptures, as if inspired to denounce judgments on those that contributed or were necessary in disturbing this mild and gracious government, which, with the powerful influence of a purse of gold, as was confidently affirmed and credited, had such irresistible effects, that they agreed to enact themselves as required by the lords of session."

not only with the loss of much property, but with a considerable number of lives. As the twenty-third of June, the day for imposing the malt duty, approached, the officers of excise found it necessary, from the spirit generally manifested towards them, to take their departure from all the towns of the west; and in Glasgow especially, which had hitherto been famed for its loyalty, from many concurring causes, there was reason to fear serious disturbances.* Unhappily, however, nothing was done in order to preserve the public tranquillity, till the very moment it was evidently to be interrupted, when two companies of foot, consisting only of one hundred and ten men, under the command of captain Bushel, were brought from Edinburgh, and did not arrive in Glasgow till the afternoon of the twenty-fourth. On the twenty-third, the mob had taken possession of the town, at least of the streets, and had forcibly obstructed the excisemen in the exercise of their duty. On the twenty-fourth, the mob had increased in numbers, though they had not proceeded

* " At this time, the inhabitants of Edinburgh, and other towns in the low country, were loudly exclaiming against the malt tax, which was to take place in a few days. Seditious pamphlets were printed and dispersed through the country, comparing their slavery to that of the Israelites under the Egyptian bondage. That England had loaded them with burdens too heavy for them to bear, and that they were betrayed by the treacherous actings of their own representatives. The magistrates of Edinburgh were exclaimed against, and insulted, for the zeal they had shown in suppressing and discouraging tumultuous proceedings, and requiring a due obedience to the law.

" The inhabitants of Glasgow were still more outrageous, declaring publicly in the streets that they would not submit to a malt tax, insulting the officers of excise, and threatening to stone them if they attempted to enter their malt-houses; for which purpose, they had heaps of stones piled up at the doors, to show them what they might expect if they proceeded to the execution of that law. Messages and letters were sent from Glasgow to most of the considerable towns in the low country, exciting them not to submit to this new imposition, but to follow the example of Glasgow, who were determined to suffer all extremities, rather than comply with the payment of this insupportable tax, as they were pleased to term it: and it was reported publicly at that time in Stirling, Perth, and Edinburgh, that the house of Daniel Campbell, Esq. member of parliament for Glasgow, who was represented to have been one of the chief promoters of this law, was to be plundered on the day the malt tax was to take place."

Report to his majesty, George I., concerning the
Highlands of Scotland, &c. by General Wade.

to any remarkable acts of violence. On the arrival, however, of the soldiers about seven o'clock in the evening, they took possession of the guard-house, beat off the town officers who were sent to put the soldiers in possession of it, locked the doors, and carried off the keys. The soldiers, previously drawn up on parade, for the purpose of being marched into the guard-house, and surrounded by an unruly mob, which insulted them in the grossest manner, were thus placed in a most painful situation. The officer who commanded them, proposed breaking open the door and taking possession of the guard-house, which was obviously all that was left for him to do, and could not have been a matter of much difficulty, but the lord provost, the honourable Charles Miller, covering his treachery with affected humanity or real pusillanimity, pretended to be afraid that such violence would irritate the mob, and provoke them to deeds of greater atrocity; he therefore advised the officer to order his men into their quarters, as the only expedient that could be adopted for their safety. With this advice, the officer was, simply enough, induced to comply, his men being very much fatigued by a long march, in a very rainy day. Fortunately the mob did not depart from their previous plan of operation. Had their resentment been by any accidental circumstance turned against this handful of soldiers, scattered in private houses through all quarters of the city, it was impossible they could have escaped instant extermination. They appear, however, to have taken up their quarters, without any sense of danger, the lord provost, in the meantime, retiring to a tavern with his friends. Here, however, his enjoyment was soon interrupted, by tidings that the mob was now assembled in greater number, and becoming more violent in action than ever. Nor was this at all to be wondered at, seeing any little show of authority that had been made to preserve the public peace, tended only to excite, and to point the fury of the mob upon its object with more deadly effect.

Mr. Campbell of Shawfield, member of parliament for the city and its associated boroughs, and the unhappy object of all this tumultuous preparation, had incurred the public displeasure, having been some years before artfully represented by the Jacobites as the mean of bringing several heavy

restrictions upon the tobacco trade, which, in Glasgow, was carried on more extensively than in any town in the kingdom, and now as having been accessory to the extension of the malt tax. The soldiers too, who had been so tardily brought forward, were, at the same time, represented as having been brought into the town at his request, for the purpose of enslaving it, and the rioters proceeded without ceremony to demolish his house, at that time the most elegant in the city. About eleven o'clock at night, while the mob were busy with their work of robbery and destruction, captain Bushel, who was certainly an officer of some merit, sent to the lord provost, offering his services, and that of the troops which he commanded; but his lordship was afraid the troops might be injured before they could be collected together, and gave it as his advice, that they should keep their quarters. He himself, in the meantime, attempted to persuade the rabble to disperse, but in vain: Mr. Campbell's house was completely gutted, the whole of the furniture either destroyed or carried off, all the statues, of which he had a number, in his garden defaced, and his wife's jewels, his money, books, accounts, &c. became an indiscriminate spoil to the triumphant rabble.

Next day, about ten o'clock in the forenoon, the provost ventured to break up the doors of the guard-house, and to seize, probably for the purpose of saving appearances, one or two of the rioters, on which a man, in the dress of an old woman, beat an alarm through the town upon a drum, and, in addition to the rioters of last night, who were reeling drunk with the contents of Mr. Campbell's cellars, brought a vast number more from all quarters of the town, who instantly attacked the troops with every sort of missile, by which they were so much irritated, that they fired upon the crowd, and killed nine persons outright, wounding many more. The enraged multitude immediately rang the alarm bell, broke up the town magazine, and possessing themselves of fire-arms wherever they could find them, threatened to attack this handful of troops, and instantly to destroy them. The lord provost hastened to communicate this determination to captain Bushel, advising him, at the same time, for his own safety, and for the peace of the city, to withdraw the troops. The captain, whose directions

were, that he was to be guided entirely by the orders of the lord provost, had nothing left but to comply with this advice, and accordingly marched for Dumbarton castle, pursued by the mob for more than a third part of the way.*

The commander-in-chief, general Wade, lost no time in communicating all the particulars of this notorious outrage to the lords justices, the king being at the time in Hanover, and took the most peremptory measures for putting down every thing like opposition to the laws. Campbell's and Stair's dragoons were instantly ordered to the west, and, in a few days, Glasgow was taken possession of by an army of horse and foot, supported, if we may credit Lockhart, with a formidable train of artillery.

The magistrates of Glasgow, on this occasion, showed nothing of that intrepid energy which they had often manifested in circumstances far more alarming; on the contrary, their conduct was marked with much of imbecility, if not of disaffection, and it gave the highest offence to the members of administration, who directed the lord advocate to proceed against the offenders with all possible expedition. He was also commanded to inquire into the conduct of the magistrates, particularly of the lord provost, and how he came to omit the reading of the riot act, on an occasion where it was obviously his imperative duty so to have done, and he was, without loss of time, to "proceed against him, by securing, examining, and committing him according to law." The lord provost was indeed rather hardly bested; that he was at bottom a Jacobite, there cannot be a doubt, but there is no evidence that he was more so than some, at least, of his brethren in the magistracy, three of whom kept out of the way, only that they might escape that responsibility, which they must have been aware attached to their official characters, and those that did remain afforded him very little assistance. He was, however, on the sixteenth of July, apprehended along with his brethren in the magistracy, and imprisoned in the tolbooth of Glasgow, upon warrants from the lord advocate, countersigned by a justice of the peace for Lanarkshire, and they were all next day carried to Edinburgh,

* Lockhart Papers, vol. ii. pp. 162, 163. Culloden Papers, pp. 80, 81.

where they were imprisoned in the common jail, but upon a petition to the court of justiciary, they were admitted to bail, and set at liberty. A few, and but a few of the rioters, were brought to trial, and, though their guilt was clearly proved, from the state of public feeling, it was found impossible to obtain verdicts against them, but of a mitigated character, in consequence of which, though it had been resolved upon to make severe examples of the magistrates, the process against them was abandoned.* In order to be revenged, the magistrates entered a prosecution against Bushel before the justiciary for murder; but the solicitor, in the absence of the lord advocate, refused his concurrence, and before this could be obtained according to the forms usual in such cases, the cap-

* The following is a part of the instructions the lord advocate received on this occasion in a letter from Mr. Delafaye, dated Whitehall, July 20th, 1725:—

“ My lord, I have laid before the lords justices your lordship’s letter of the twentieth instant, with the several papers enclosed, by which their excellencies, with great approbation, saw the pains and care you have taken in the execution of their orders to you, with relation to the great tumults at Glasgow. Their excellencies have commanded me to signify to your lordship their further directions that you prosecute with vigour not only the persons concerned in these tumults, but also the magistrates of that town, who, by the examination, you have taken, appear to have been guilty of gross malversation in not taking due care, to say no worse, to prevent or suppress the riot, and, as you mention that you have proofs against some of the criminals as having been in pursuit of the king’s troops, which involves them in the guilt of high treason, their excellencies have thought fit, notwithstanding their former directions, if your lordship find it proper to prosecute any of them for that crime, you should do it, and a particular commission of oyer and terminer being necessary in that case, their excellencies would have you send them the names of such persons as you shall judge proper to be put into such commission.” This mode of procedure his lordship declined, but declares his intention to pursue the rioters as guilty of felony, and, “ at the same time that the prosecution against them is going on,” he adds, “ I should incline to have the trial of the magistrates carried on, whose guilt I conceive to be much the greatest, though they have used art successfully to hide it, and whose punishment will be of greater consequence to the public peace than that of the more obscure offenders.” *Culloden Papers*, p. 352. From this, and from all the circumstances of the case, it is evident that the escape of the magistrates of Glasgow on this occasion was neither owing to their innocence, nor to any desire on the part of their superiors to overlook their guilt, but merely from the strength of popular feeling, which happened to be wholly upon their side.

tain received from the king a full remission, and was promoted from the foot to the command of a troop of horse. Campbell made application to parliament, and had six thousand four hundred pounds allowed him for damages, which, with other incidental expenses, cost the city of Glasgow upwards of nine thousand pounds, a tax being imposed on all beer brewed in the city, to make it up, which tax the citizens of that place continue to pay to this day.*

This tumult being settled without any very great trouble, General Wade proceeded to the north to execute the main object of his mission, the disarming of the clans, which, taken in connexion with the above disturbances, it was hoped by the Jacobites, would operate in a high degree in promoting their interests. "I find," says James himself, they [the Highlanders] are of opinion that nothing less than ruin is designed for them, and those on this side are persuaded that the English government will meet with the greatest difficulties in executing their projects, and that the clans will unanimously agree to oppose them to the last, and if thereby, circumstances will allow them to do nothing for my service, that they will still, by a capitulation, be able to procure better terms to themselves than they can propose by leaving themselves at the government's mercy, and delivering up their arms, and if so, I am resolved, and I think I owe it to them, to do all in my power to support them, and the distance I am at, has obliged me to give my orders accordingly, and nothing in my power shall be wanting to enable them to keep their ground against the government, at least, till they can procure good terms for themselves, though, at the same time, I must inform you that the opposition they propose to make, may prove of the greatest advantage to my interest, considering the hopes I have of foreign assistance, which, perhaps, you may hear of before you receive this letter. I should not have ventured to call the Highlanders together, without a certainty of their being supported, but the great probability there is of it, makes me not at all sorry they should take the resolution of defending themselves, and not delivering up their arms,

* Lockhart Papers, vol. ii. pp. 240, 241. Annals of Glasgow, &c. &c.

which would have rendered them in a great measure useless to their country, and, as the designs of the government are represented to me, the laying down of their arms is only to be the forerunner of other methods that are to be taken to extirpate their race for ever. They are certainly in the right to make the government buy their slavery at as dear a rate as they can. The distance I am at, and the imperfect accounts I have had of this law, have been very unlucky; however, the orders I have sent to France I hope will not come too late, and I can answer for the diligence in the execution of them, which is all I can say to you at present from hence.”*

From this letter it might be supposed that James had actually made arrangements for an immediate descent upon Britain, and that he had ensured the co-operation of at least one of the principal continental powers; but he had done no such thing, nor does it appear that he had made any suitable preparation even for bringing the few friends he had about him into immediate action, so that this attempt to stir up the Highlanders to rebellion, can be regarded as no better than a wanton sacrifice of these poor people to his own presumption and vanity. His friends, however, especially the duke of Hamilton, the earl of Kincardine, and Mr. Lockhart, were eager to prevent the fatal effects of his inconsiderate rashness, and wrote him that they were humbly of opinion that if the Highlanders attempted to stand it out against the government, it would be a rash and fatal attempt, which might occasion their total extirpation, and instead of his near prospect of foreign assistance being an argument for the Highlanders resisting the orders of government, they considered it as a very strong one for their compliance. “For we have often observed,” say they, “both from public transactions and private conversations, that the bulk of the English, nay, even such of them as are most in your interest, having a natural antipathy to the Scots, are in a particular manner jealous of their having the honour of being too active and instrumental in your restoration.” In consequence of this feeling among the English, they very justly observed that it would be prudence to allow them to take the lead, and

* Lockhart Papers, vol. ii. pp. 169, 170.

if they could be brought to encounter the danger, make them welcome to the honour of being foremost in a matter which they imagined would be so beneficial to both nations. At the same time they frankly admit that the hope from that quarter was not without a considerable drawback; "for though, over a bottle, or even in their most serious consultations, they are sensible enough of their unhappy circumstances, and seem willing to enter into measures for their deliverance, yet great numbers of them are so intoxicated with the love of ease and plenty, that they are backward to enter into action, and would willingly cast the brunt of the first attempt on the Scots, and wait to declare and take a part till they see how matters are like to go, and thus, betwixt the different views of these two set of men, the game has been, and may again be lost." The Highlanders, they assure him, "are certain, and will deliver up none of their arms till the very last, and then only such as are useless," and they very pertinently remark, "that foreign powers, if they take the pains to inquire, and are otherwise hearty in his interest, can have no excuse to hang back on account of the Scots."

Anticipating the arrival of these foreign aids, perhaps in the course of a week, or of a day, they assure James that all will be as he would have it with regard to the Highlands, but though, even in the Lowlands, "people of all ranks are extremely enraged, and the time," of course, "very proper for an attempt," they remind him of "many inconveniences that cannot suddenly be evited." Among these inconveniences, they mention his having clothed no person with authority to give orders how to act; no concert among his friends; no design laid down, nor any preparations made; the total ignorance of his friends where or when the attempt, which was perfectly new to them, was to be made, and the consequent impossibility of laying down the necessary measures; the imminent hazard of his friends being seized upon by the government, whose troops were so numerous in the country, and stationed between them and the Highlands, so that they could have no hope of concealment but in the western shires, and even there they think their safety uncertain, "as there are in all shires

some knavish justices of the peace, who will too probably commit them.”*

All this anxiety, however, was in vain, as the representations by which it was excited, were utterly vague and visionary, and, in the month of September, two months after the date of the above, we find them thus expressing to the pretender their disappointment and regret:—“Such of your friends as knew the contents of yours of the twenty-third of June, have been ever since under the utmost impatience, and are extremely vexed and surprised that they have heard no further from you, and that nothing of what was insinuated to be soon expected, nay, not so much as the arrival of their Highland chieftains that were on your side of the water hath happened. Had your measures succeeded, never was this country in such a disposition. The duke of Hamilton came yesterday from the west, and tells me he had messages sent him from the magistrates of Glasgow, and from leading people in other parts of the west, that they were willing to venture all for you, and would follow him, and, indeed, the people in all parts are thus disposed, so that with a small foreign force, or even without it, your business could be effectually done here in a short time, if so be you could bring such foreign assistance to England, as could make a stand till your friends in that country were thereby encouraged, and enabled to get together.”†

By the same letter they are at great pains to make him easy with regard to the progress of general Wade, and to certify him what they apprehended would be the result of the disarming act which he was commissioned to enforce. “No doubt,” continues the writer, “the government will be at pains to magnify and spread abroad their success in disarming the Highlanders, but depend upon it ’tis all a jest, for few or no swords or pistols are or will be surrendered, and only such of their firelocks as are of no value, so that a small recruit of good arms will put them in a better state than before. I mention this so expressly that you may contradict reports to the contrary, lest they discourage those from whom you expect

* Lockhart Papers, vol. ii. pp. 187—190.

† Ibid. p. 194.

foreign aid. I now plainly see that this Highland expedition, whatever might be at first pretended or intended, is now at the bottom a money job; the general has got a great sum of money to pass through his hands, and his scheme is to be mighty civil to the Highlanders, and, under the colour of having persuaded them to give up their arms, which the trash they give him will enable him to represent, to make himself pass as an useful man, and fit to be continued in Scotland with a good salary. But at the same time, I know likewise there are some of the government heartily vexed that the Highlanders have made no opposition, hoping, if they had, that in this time of tranquillity they might have extirpated them, whereas, as matters have been managed, they will still remain, and be in a capacity to serve you when a fair occasion offers.”*

This affair of disarming the Highlanders, which was looked upon as so important by both sides, was, indeed, so managed as to be of no consequence to either. Wade was a man of polite manners, and of an agreeable placid disposition, willing to execute his orders in the most accommodating style, and he was met by the Highlanders, to all appearance, in the same spirit of conciliation. In the month of August he was met at Inverness by the M^cKenzies, to the number of one hundred and fifty, headed by Tarbat, Mackenzie of Coul, and Sir Kenneth M^cKenzie of Cromarty, who stated themselves as representing the vassals and tenants of Seaforth, to whose agent, Donald Murchieson,† they had paid their rents for several years past, and were unable to pay them over again, but, on being discharged of these years, they promised to pay their rents to government, to deliver up their arms, and to live in quiet sub-

* Lockhart Papers, vol. ii. p. 195.

† This Murchieson uplifted the rents for Seaforth, for which he gave receipts as deputy factor to the commissioners on the forfeited estates. This deputyship he extorted some years previous to this from the factor appointed by the said commissioners, whom he attacked with upwards of five hundred armed men as he was entering upon the said estate accompanied with a small body of his majesty's troops. He even had the audacity, only the year previous to this, to come publicly to Edinburgh for the purpose of remitting eight hundred pounds to his master residing in France, and, amidst all the loyalty of that good city, remained there fourteen days without any molestation. Letters from the North of Scotland, vol. ii. p. 280.

mission to the laws. They were hospitably entertained for several days by the general, who, with a small body of dragoons, having promised them all they requested, accompanied them to the Castle of Brahan, where they delivered up to him their worn out and useless arms, to the number of seven hundred and eighty-four, having previously given up all those that were of any value to Donald Murchieson, Seaforth's factor, whom he had sent among them for that purpose.

From the castle of Brahan, the general proceeded to Killyhuimen and Fort William; at which places, the Macdonalds of Glengary, the Macleods of Glenelg, the Chisholms of Strathglass, the Grants of Glenmoriston, the Macdonalds of Keppoch, Moidart, Arisaig, and Glenco, the Camerons and the Stewarts of Appin, delivered up such arms as were of no farther use to them. The Macintoshes brought in theirs to Inverness; and the vassals of the duke of Gordon, with the Macphersons, delivered up what number they chose to part with at the barrack of Ruthven, in Badenoch. The Macdonalds, the Mackinnons, and the Macleods of Skye, delivered up theirs at the barrack of Bernera, and the inhabitants of Mull at Castleduart. The same routine was gone through at Braemar, Perth, Athol, Braidalbine, Monteith, part of Stirling and Dumbartonshires, where the people brought in their arms punctually on the days and at the places appointed, but fewer in number than their brethren of the north, they having fewer out of repair, and the gentlemen took care to persuade the general that many of their people knowing that they were to receive no money for them, had sent their old arms to the blacksmith, to be manufactured into agricultural implements, which he seems to have been kind enough to believe, though it was an absolute fiction. Over all these districts, the general collected two thousand six hundred and eighty-five stand of arms, which he admits were of little more value than old iron, and they were deposited in the castle of Edinburgh, Fort William, and the barrack of Bernera. Licenses to carry arms were at the same time granted by him to foresters, drovers, &c. &c. to the number of two hundred and thirty.*

* Lockhart Papers, vol. ii. pp. 196, 197. Report to his majesty concerning the Highlands of Scotland, 1725, &c. &c.

At the same time that general Wade was thus gratified by the apparent frankness with which the people parted with their arms, he was still more so by the submission of the greater part of those chieftains that had been in the rebellion conducted by the earl of Marr, who no sooner learned that he had it in his power to receive them, than they seemed to be only anxious who should be the first to renounce his errors and return to his allegiance. "The greater part of them," says he, "were drawn into the rebellion at the instigation of their superiors; and, in my humble opinion, have continued their disaffection rather from despair, than any real dislike to your majesty's government. As soon as their respective clans had delivered up their arms, several of these attainted persons came to me, at different times and places, to render their submission to your majesty. They laid down their swords on the ground, expressed their sorrow and concern for having made use of them in opposition to your majesty, and promised a peaceable and dutiful obedience for the remaining part of their lives." In addition to all this, the general was favoured with letters of submission, signed by the disaffected chiefs themselves, or by their friends in the interest of the government, who thus became, in some sort, securities for their fidelity and good conduct. These letters were forwarded to his majesty's secretaries of state, and remain to this day irrefragable proofs of the fickle and faithless disposition by which these chieftains were too generally animated.* Of this disposition the general

* These letters are for the most part written with apparent ingenuity, though they generally contain a little flattery to the man to whom they were immediately addressed. The following from Robert Campbell, the celebrated Rob Roy, we consider as the most characteristic :—

"Sir, The great humanity with which you have constantly acted in the discharge of the trust reposed in you, and your having ever made use of the great powers with which you are vested, as the means of doing good and charitable offices to such as ye found proper objects of compassion, will, I hope, excuse my importunity in endeavouring to approve myself not absolutely unworthy of that mercy and favour your excellency has so generously procured from his majesty for others in my unfortunate circumstances. I am very sensible nothing can be alleged sufficient to excuse so great a crime as I have been guilty of—that of rebellion; but I humbly beg leave to lay before your excellency some particulars in the circumstances of my guilt, which I hope will extenuate it in some measure. It was my misfortune, at the time

was perfectly aware, for he particularly alludes to it, and suggests a number of judicious expedients for guarding against its future operation, and, notwithstanding the insinuations of Lockhart, above mentioned, seems to have felicitated himself, not without good grounds, upon the success of his undertaking. He had traversed the country in all directions, and had been every where received with apparent cordiality—he had built a vessel on Loch Ness, capable of carrying fifty or sixty soldiers, with all their accoutrements—he had made considerable progress in carrying forward the military road between Killyhuimen and Fort William, and his whole expenses, including the encampment and subsisting the troops, sending one hundred and forty-nine summonses, to the several parishes and county towns, gratuities, intelligence, &c. &c. did not exceed the sum of two thousand pounds; so that when he says, “I have acted with the utmost application, diligence, and frugality,” we feel disposed to give him full and entire credit.

The leading Jacobites were perfectly sensible, as we have already clearly demonstrated, of the duplicity with which the

the rebellion broke out, to be lyable to legal diligence and caption, at the duke of Montrose's instance, for debt alleged to be due to him. To avoid being flung into prison, as I must certainly have been, had I followed my real inclination, in joining the king's troops at Stirling, I was forced to take party with the adherents of the pretender, for, the country being all in arms, it was neither safe, nor, indeed, possible for me to stand neuter. I should not, however, plead my being forced into that unnatural rebellion against his majesty king George, if I could not at the same time assure your excellency that I not only avoided acting offensively against his majesty's forces upon all occasions, but on the contrary sent his grace the duke of Argyle all the intelligence I could from time to time of the strength and situation of the rebels, which I hope his grace will do me the justice to acknowledge; as to the debt to the duke of Montrose, I have discharged it to the utmost farthing. I beg your excellency would be persuaded that had it been in my power, as it was in my inclination, I should always have acted for the service of his majesty king George, and that one reason of my begging the favour of your intercession with his majesty for the pardon of my life, is the earnest desire I have to employ it in his service, whose goodness, justice, and humanity, are so conspicuous to all mankind. I am, with all duty and respect, your excellency's most, &c. &c.

ROBERT CAMPBELL.”

Letters from a Gentleman in the North of Scotland, &c. vol. ii. pp. 323—325.

class were at this time acting, and it was their interest to have allowed them to go on without interruption; yet such was their impatience and their folly, that they pursued general Wade in the whole of his progress with menacing letters, and dispersed, by means of special agents every where through the Highlands, printed papers, exciting the people to resistance, which could have been productive only of their own destruction.* To this madness they were doubtless driven by the sanguine hopes which James had so recently expressed, but, in the midst of all these favourable circumstances, they were soon mortified with the confession from himself, that notwithstanding the ardour of his solicitations, he could not hope for any of that assistance, which it was so gratifying to them to hear of, for this year; but he hoped the winter would bring something more favourable to his views, and their ardent expectations. In the meantime, he despatched to the Highlands Allan Cameron, one who had been for some time about his court, to keep alive there the flame of rebellion; and amused his trustees, as he styled them, with plans for corrupting the leading men opposed to his views, appointing generals, &c. to act when this imaginary restoration should be attempted.† All their activity, however, was rendered unavailing by that discord and spirit of babbling that reigned in his cabinet, and seems to have actuated all his followers. Marr had long before this, become, from an object of envy, a subject of suspicion to many of his fellows in exile. He had accepted of a pension of two thousand a year from the government for himself, his wife and daughter had also fifteen hundred per annum, by way of jointure, and aliment out of the product of his estate; and it was strongly suspected, that all this money was not bestowed without some advantage accruing to the government which so liberally bestowed it. The banishment of the bishop of Rochester, was an unlucky affair for himself, as well as for his party; and the English government, it was alleged, had been enabled to accomplish it by the secret services of Marr. Of course Rochester was Marr's inveterate enemy, and was scarcely landed in France, when he began to cabal, though secretly, with his detractors.

* Report of General Wade, &c.

† Lockhart Papers, vol. ii. p. 239.

The consequence was an open rupture with Marr and a party of the pretender's followers, in which they had the address to involve the pretender himself, though at the expense of a rupture in his own family, and during this year, the correspondence between him and his friends, was principally occupied with accusations and defences of that celebrated traitor, who still stood high in the estimation of many of those who had the interest of the pretender seriously at heart, and were in every point of view the best qualified to promote it—even the queen, as she was styled by the Jacobites, by whom she seems to have been fully as much respected as her husband, was partial to Marr, and evidently considered his disgrace as the fruit of spiteful cunning, and of low intrigue; and she carried her resentment so far against the persons she supposed the authors thereof, lord and lady Inverness, as to desert her own house and take refuge in a convent.* This last circumstance

* The following is a *memoire* which the pretender sent to his friends in Scotland on this extraordinary incident in his family:—

“It has been the constant practice of the king's enemies to project measures for sowing divisions and misunderstandings amongst those who are thoroughly fixed in their loyalty to his majesty, and are most capable to serve him; and by the means of those who still pretended to adhere to it, to draw him by specious appearances into steps against his honour and the good of his service.

“His majesty had reason to think, that by the prudent measures he had taken, he would not have been much troubled for the future by such contrivances; but these days past have afforded but too strong and too publick an instance of the contrary.

“It is some time since the king suspected that his enemies and pretended friends, finding that they could not impose upon his majesty, were endeavouring, by malicious insinuations, to animate the queen against his majesty's most faithful servants, and particularly against him who had the greatest share in his confidence and affairs, in hopes, no doubt, by that means to compass what they despaired of being able to come at by any other; and they so far succeeded, that for some time past, the queen could not conceal her dislike to such persons, and the king could easily see, that her behaviour towards himself was altered, altho' he could not discover any real ground for either one or t'other. His majesty was therefore willing to impute them to ill offices and humour which he hoped would pass, with a little time and patience on his part, and therefore he did not make any change in his conduct towards the queen, who, ever since her marriage, had been entirely mistress of his purse, such as it is in his bad circumstances. His majesty also continued to

gave great uneasiness to the Jacobites, as it afforded a handle to their opponents for ridiculing the character of James, and might be improved by the papal powers as a reason for withholding that aid, upon which his principal hopes depended. James,

her the same liberty she had always enjoyed, of going out and coming home when she pleased, of seeing what company she liked best, and of corresponding with whom she thought fit, and to encourage her diverting and amusing herself more than had hitherto appeared agreeable to her inclinations.

"In this state of things the king could not but be astonished to the last degree, when he was told by one much in the queen's confidence, that if he did not dismiss the earl of Inverness from his service, she would retire into a convent; altho' she did not give any reason for so extraordinary a proposal and resolution; and on Friday last the queen told the king herself that she was resolved to retire, but still without bringing any reasons for it, and has seemed to persist ever since in this resolution, tho' without coming to the execution, altho' on the Friday she had actually taken leave of some ladies here on that account.

"The king could not but be sensible of the indignity done him by this publick way of proceeding; but as he was persuaded the queen had been misled, and might be reclaimed, he had much more compassion for her having thus exposed herself, than resentment against the unjust eclat she had made, and therefore not only continued to live with her as usual, but invited her in the most moving terms to own her error and return to her duty, neither of which she has yet done, but it is to be hoped she soon will, by the prudent and moderate measures the king is taking in order to reclaim her.

"The king really thought all this while that lord Inverness was the chief object of these designs, for tho' her majesty's great and publick uneasiness had begun on her first being acquainted with the princes' being to be taken out of Mrs. Sheldon's hands, yet her majesty had expressed herself to severall persons favourably of lord Dunbar, and had never mentioned to the king the least dislike or disapprobation of that lord's being governor to the prince, which made it appear the more extraordinary to his majesty, when in a conversation he had on Monday last with a person of great worth and consideration of this place (who he knew had been endeavouring to prevail on her majesty not to do both the king and herself the injury of retiring into a convent) he found that she was, if possible, more uneasy on lord Dunbar's account than on lord Inverness's, under pretence that the princes' religion was in danger while he had the care of them, and that her majesty was persuaded that those two lords were obnoxious to his English friends, and that their being about his person was one of the greatest obstacles to his restoration.

"As lord Inverness was extremely afflicted at the queen's behaviour on this occasion, and to think that he might be represented as the unfortunate, tho' innocent occasion of a disunion betwixt their majesties, he did most earnestly intreat of the king, that he would allow him to retire from business, which nothing but his majesty's orders to the contrary, in the most peremptory man-

however, maintained his own part with characteristic obstinacy; and with a felicitous self-complacency, which is generally the sheet-anchor of the unfortunate, persuaded himself, and attempted to persuade all his friends of the same thing, that upon

her, could have prevented; his majesty having, at the same time, assured both lord Dunbar and him that their remaining in his service under circumstances so very disagreeable, was the strongest instance they could possibly give him of their inviolable attachment to his person and cause.

"All these facts and circumstances put together, it is very easy to see, that in all these matters the queen must have been originally imposed upon, and guided, not by turbulent and factious friends, but by real enemies, who would have drove the king to that extremity, as either to see his wife abandon him, or by yielding to her unjust demands, give up the management of his children and his affairs, and put himself into the hands, not of the queen, but of those who, it was manifest, had in their view the ruin of both.

"The king is sensible how prejudicial to his interest, this unfortunate exalt must be, but he is persuaded that the malice of his enemies on this occasion must turn against themselves, when the true state of the question is known." After having seen the colour put upon this affair by James himself, it is but natural that the reader should have a desire to see what his queen had to say for herself. This desire, the following letter, written by her on this occasion, will, we should suppose, fully gratify:—

"Dear Sister, I received yours of the third of November. I was so much in haste when I wrote you last that I had not time to inform you of a piece of news, which I doubt not has very much surprised you. Mr. Hay and his lady [lord and lady Inverness] are the cause that I am retired into a convent. I received your letter in their behalf, and returned you an answer only to do you a pleasure, and to oblige the king; but it all has been to no purpose, for instead of making them my friends, all the civilities I have shown them have only served to render them more insolent. Their unworthy treatment of me has in short reduced me to such an extremity, and I am in such a cruel situation, that I had rather suffer death than live in the king's palace with persons that have no religion, honour, nor conscience, and who, not content with having been the authors of so fatal a separation betwixt the king and me, are continually teasing him every day to part with his best friends and his most faithful subjects. This at length determined me to retire into a convent, there to spend the rest of my days in lamenting my misfortunes, after having been fretted for six years together by the most mortifying indignities and affronts that can be imagined. I desire you to make my compliments to the bishop of Ambrun, and to tell him from me, that as I take him to be my friend I doubt not but he will do me justice on this occasion. He is very sensible that they were strong and pressing reasons that determined me to take so strange a resolution, and he has been a witness of the retired life I always led. And you, my dear sister, ought to have the same charity for me. But whatever happen, I assure you that I should rather chuse to be silent under

the whole his affairs, instead of being retarded, would be in no small degree promoted by the circumstance; and seems, if we may give credit to his own letters, not to have been afraid for the displeasure of the pope himself:—"The court of Rome," he remarks, "at first saw clearly the unreasonableness of the queen's insisting on Invernesses removal, but they are now endeavouring to remove James Murray from my son. The pope sent to tell me that if he were removed, and Mrs. Sheldon taken back into favour, that he hoped matters might be made up between the queen and me—what he said of Mrs. Sheldon, was only by way of entreaty, but as for Murray, he could not approve or consent to his being about my son. To which I replied, that I had no occasion for the pope's advice in an affair which concerned my private family. It has been talked of in Rome, as if the pope might take from me the pension he gives me; but neither threats of this kind, nor any want of regard the pope may shew me, will induce me to alter my conduct, and will only serve to afford me an opportunity of shewing my subjects that nothing can make me alter a conduct which I think right and just."*

In less than a month after writing the above, however, James Murray, was removed. Nor did his removal satisfy the pontiff:—"We are now persecuted in matters of religion," says Inverness, writing to Lockhart in the month of January, 1726, "and instances are made to make us give over our prayers in the family, as we have practised them ever since the king has been in Rome, but he has declared positively that he will not forbid them, and I have told the pope's secretary, after using all the arguments I could to dissuade him from entering into that affair, as to which he is convinced the pope is in the wrong, that, nevertheless, if the pope insist on it, we will of ourselves desist, providing that he give it me in writing that he will have it so, which I find they do not care to do, lest it might be brought as an example and applied to the papists at home, and

censure than to offer at the least thing which may prejudice either the person or affairs of the king, for whom I alwayes had, notwithstanding my unhappy situation, and for whom I shall retain as long as I live a sincere and respectful affection."—Lockhart Papers, vol. ii. p. 243—245, 265, 266.

* Lockhart Papers, vol. ii. pp. 253, 254.

give a pretence to the putting the laws in execution against them. Here the matter stands, and perhaps on this account they may be prevailed upon not to give us any more trouble." The writer of the above supposes the pope to have been stirred up to act such a part, for the purpose of prejudicing the pretender's affairs; but with the same easy feeling of his master, supposes that "they shall find themselves mistaken, for he by his conduct in this, as well as in other matters, will find no difficulty in fencing against these wicked designs."* The pretender, however, was at this very time labouring under deep dejection on account of these things. "The queen," he writes, "is still in the convent, and her advisers continue still under a false pretence of religion, to procure my uneasiness from the pope, to such a degree, that I wish myself out of his country, and I wont fail to do my endeavour to be able to leave it, which I am persuaded will tend to the advantage of my affairs." Had James been determined to change his whole system, this would have been good sense, and the event might have answered his expectations; but as he had every thing in view but changing his religion, or his maxims of government, it could be regarded only as the imbecile ravings of irritated stupidity, unconsciously uttered, and forgotten as soon as uttered. With the same want of consideration for his friends in Britain, he proceeded to heap honours, such as he supposed he could bestow, upon his favourites, probably to show his contempt for those who had differed with him in regard to the management of his family. The order of St. Andrew had but of late been filled up at home, by the nomination of king George, but on the last day of the year 1725, James pretended to bestow it upon his creature colonel Hay, whom he had but a little before created earl of Inverness, James Murray, whom he had created earl of Dunbar and at the same time appointed tutor to his son Charles Edward, the earl Marischal, and the earl of Nithsdale.† Nothing could be more absurd than such conduct, as it tended to unsettle men's minds with regard to the stability both of honours and of property in case of his being restored; which, considering the

* Lockhart Papers, vol. ii. pp. 254, 256.

† Ibid, p. 256.

length of time that had intervened, nearly thirty years, since the abdication of his father, was impolitic in the highest degree, and could not fail to alienate the affections of many who had, in the course of these years, become proprietors of estates, of which they might by an investigation into their political conduct be deprived—or had arisen to honours conferred by a power, which, it was evident by such grants, was not, in the event of his ascending the British throne, to be recognised.

Amidst all this domestic bustle, however, nothing was omitted by the pretender and his advisers, that might tend to keep up expectation among his Scottish friends, and prevent them from taking the benefit of that tranquillity and good government, which they were now enjoying to an extent far beyond any thing that had been known in Scotland since the union of the crowns. Armies, not in existence, were paraded in letters, and serious inquiries made respecting the most proper places for landing them,* which were gravely answered with as much minuteness as they had been put. England was now pointed out to James as the most proper place for the attempt, and the nearer to London, it was suggested, so much the better; at any rate, if he had along with him any thing like an adequate force, he was by all means to land on the south side of the Forth, as in the north his friends needed no assistance. His trustees, indeed, were honest enough at this time to tell him, that whatever he undertook, arms, ammunition, horse furniture, money, &c. were all wanting, and behoved to be supplied from some distant quarter, as his friends in Scotland were far from being in the situation now that they were when the last struggle was made for him. Officers, too, they complained were greatly wanting, and especially some of rank and authority, who might claim obedience and respect from these circumstances. No one among themselves, they were candid enough to admit, possessed the requisite military talents; and they seem to have been willing to submit to the command of a foreigner, provided he were joined with a native who should be his superior in matters purely civil, but who, at the same time, “should be required to move by the

* Lockhart Papers, vol. ii. p. 282.

advice and direction of the general in all military concerns." For this important charge they pointed out to him the duke of Hamilton, if he could be prevailed upon to undertake it, "as his being the first peer [of the realm] would give no occasion for emulation and grudges in others, and that his family being known over all Europe, his being on the head of it would give a reputation to the affair."* In a short time, however, the duke of Hamilton, to their deep mortification, evinced that he had more good sense than to embark his fortune in the same bottom with such a faction, and, entering into a friendly understanding with the members of administration, was installed a knight of the thistle, and appointed one of the lords of the bedchamber. Of all these things, the watchful Lockhart, with some peevishness, and apparently no little regret, was careful to inform the pretender, even before they could be fully carried into effect, adding, "'tis plain and certain that he [the duke of Hamilton] can be of no use in propagating above board several measures that may be necessary for spiriting up the people, and tending in the issue towards your service, which is no small loss, as one of his rank is essentially necessary on such occasions, and is what your friends expected from him, and no other that I can think of fit for it." Nor was the duke of Hamilton the only one of the Jacobite party who had his eyes open to the desperate state of James' affairs. Lord Panmure, when he was shown one of James' hopeful letters, "turned it all into a jest, and fell soon into a passion, swearing that it was madness to purpose any thing to be done for *him* [James], and that none but madmen would engage in such an affair."† Murray of Stanhope, too,—who had been one of the most forward of the party on former occasions, and, from his

* Lockhart Papers, vol. ii. p. 225. If we may believe Lockhart, the reputation which his grace was likely to bestow upon the cause could not be great, for he adds:—"But then he's young, and hath no experience in business of any kind, nay, notwithstanding all that your and his own friends have said to him, his by-past life hath been entirely devoted to diversions, idleness, and a bottle, among a set of people no ways fit companions for one of his rank, by which conduct he hath entirely lost his character, and run himself over head and ears in debt." Ibid.

† Lockhart Papers, vol. ii. p. 227.

having acquired property, and an interest in the Highlands, had been fixed on by James and his trustees to be employed for carrying on a treasonable correspondence with the heads of the clans—when spoken to on the subject, declared that he was “now a new man,” and, though he might draw his sword when there was to be a general effort for restoring the king and kingdom of Scotland, in the interim, his head and his heart were set upon improving the Highland estate he had acquired, and bringing the mines to perfection, which, he added, would be a service to his country, and he would think upon and undertake no other business.*

* Lockhart Papers, vol. ii. pp. 301, 302. This was good sense and true patriotism, and every enlightened reader will regret to find that he met with so little encouragement in following out a plan so honourable to himself and calculated so materially to benefit his country.

“Sir Alexander Murray of Stanhope had acquired a knowledge in minerals, and travelled all over the Highlands in order to make discoveries in that way. Great appearances of lead mines cast up to him in several places, but particularly in the lands of Ardnamurohan and Sweenard, which belonged to Campbell of Lochneill. He made a purchase of these lands from that gentleman, and of some other small interests in that neighbourhood. He laid open vastly rich lead mines at Strontian, and made very great improvements in the land estate. The mines turned out to very great advantage, and would have increased to infinitely more, if matters had not fallen into very great disorders. Sir Alexander was a stranger in the country, the people upon his estate were all of them Camerons (Campbells), or of other clans in these places, who had a stronger attachment to their own respective chiefs than to their new landlord, a stranger, and the whole of the neighbourhood was possessed by these and other clans. Sir Alexander’s cattle and effects were stolen, and robbed; his houses were burnt, and his own person and family threatened. He attempted to prosecute the criminals before the ordinary courts of justice; but he complained loudly that either justice was delayed or refused him, and the criminals protected. It must surely have been the height of oppression that made the poor gentleman abandon all these promising prospects for security to himself and his family, and complain of these hardships he met with to the British parliament and ministry; and we must now acknowledge, from what hath since happened, that his complaints have not been groundless, nor he a bad prophet. The lordship of Morvern lies in the extremities of Argyleshire; it belongs in property to the family of Argyle, and is mostly possessed by those of the clan Cameron, who enjoyed there very advantageous farms. Some years ago, there was, I believe, some improvement made in the rents, and Mr. Campbell of Craignish was appointed, a new bailly and factor for that place. Neither of these alterations were,

if he could have it printed and sent over for distribution, even before his landing, it was urged, if it could be done so as to avoid a seizure, as still better.* Happily, the Scottish church was in a more settled state than she had often before been; and though the liberties of the country were but indifferently provided for as yet, being very imperfectly understood, they were in a happy progress towards improvement, which a Jacobite parliament might have prodigiously retarded, but could not on any known principles have been expected to forward. Scottishmen knew too well, by mournful experience, what unlucky settlers of the church, and what unfortunate consolidators of liberty this class of politicians had always been, to allow themselves to be duped by any such mummery.

But there was another scheme, for they were fruitful in resources, which they pressed upon him with equal earnestness as the former, and with, we may be allowed to suppose, equal prospects of success, and it was this, to prevail with the emperor to set him at the head of an army, having good general officers under him, with which he should attack Hanover, seize upon it, and retain it till the elector should restore to him the kingdom of Britain, which he for the present held so unjustly. Many advantages and facilities it was said waited upon this plan. In the first place, there was no danger of coming in contact with the British fleet, which had all along presented such an insurmountable barrier in the way of assisting the pretender's friends from abroad. Secondly, a vigorous push in that quarter, would have all the effects of an attack on Britain, without any of its peculiar dangers, while it laid Britain open to any attack that might be found necessary. But, as the king's German dominions were known to lie so near his heart, and his care for his successor was supposed to be very little, it was thought that he would bend all his strength to their preservation, and rather than run any hazard of losing them, or even of seeing them ruined by being the seat of a bloody war, he would compromise matters, and yield to the Stuart his throne, without so much as a struggle for its preservation.† In whatever light this supposition may be allowed

* Lockhart Papers, vol. ii. pp. 224, 225.

† Ibid. vol. ii. p. 235.

to place the king's understanding or his courage, it is certainly highly favourable to his humanity, which, by the hirelings of the party, and by Lockhart himself, had been often called in question.

Along with these schemes of conquest, draughts of the above recommended manifesto, and of an indemnity, such as it was thought would be necessary to secure general co-operation in Scotland, were transmitted to the pretender, the latter framed with a view to exclude all "those who had been chiefly instrumental in carrying on and accomplishing the Union, but so couched and expressed, as not to be observed in the general pardon it would be necessary for the king to grant. In order thereto, a clause was so conceived, as to leave a door open to get in upon those perfidious instruments of that unparalleled treachery to their country, if ever Scotland was so happy as to have a parliament within herself that would do justice to the honour of the nation, by redressing wherein it was so scandalously violate, and providing against the like for the future, for procuring whereof nothing could be more effectual than a brand of infamy on those who had the chief hand therein." Lockhart who often indulges in heavy complaints that those who were about the pretender's person abused his confidence, and led him into measures discreditable to his character, and hurtful to his interests, in this instance practised himself, and has not blushed to record it, a piece of the grossest disingenuity, which, had the scheme of his restoration succeeded, must have covered the memory of the pretender, and that of his advisers, with everlasting infamy. "Though this was the aim of the few that concerted this clause," viz. the secretly excluding clause, "they did not think it expedient to let the king into the secret, because some about him, particularly Inverness, were either themselves, or had near relations as deep dipt as most others, and 'twas to be feared they might divert the king from approving it, if so be they knew what was secretly intended by it."* The lengthened and the complicated negotiations which gave foundation to all these extravagant hopes and ridiculous surmises, though Gibraltar was at one time invested,

* Lockhart Papers, vol. ii. p. 236.

and the British fleet more than once at sea, closed at length in complete harmony, leaving the pretender and his friends once more entirely to their own personal resources. But for these campaigns of diplomacy, we refer our readers to the histories of England and of Europe, as they do not fall within the plan we have adopted, nor the limits which we have assigned to this narrative.

The General Assembly of the church of Scotland was convened at Edinburgh the fifteenth day of May, 1726, Hugh, earl of Loudon, being commissioner, and the Rev. William Mitchell, one of the ministers of Edinburgh, moderator. His majesty, as usual, sent them a most gracious letter, and a donation, for the second time, of one thousand pounds sterling, for propagating the gospel in the Highlands and Islands of Scotland, which letter was answered in the usual manner, and the gratuity thankfully acknowledged. There appears to have been little business of a public nature before this assembly. For the benefit of the churches and the brethren in the north, a new presbytery was erected at Tong, consisting of the parishes of Durness, Edrachilles, Tong and Farr, disjoined from the presbytery of Caithness, and the parishes of Kildonan and Assint, from the presbytery of Dornoch. The presbytery of Dornoch, they at the same time disjoined from the synod of Ross, which, with the presbytery of Caithness, and the new presbytery of Tong, they erected into a synod, to be called the synod of Caithness and Sutherland, the meetings of said synod to be at Dornoch and Thurso, *per vices*. They also passed an act for a solemn national fast, which, as a specimen of the tone of religious feeling at the time, the reader may consult at the foot of the page.*

* "The General Assembly taking into their serious consideration the many weighty causes of solemn fasting and humiliation before God, by reason of abounding sin, and the withdrawing of his presence from his ordinances, and the power of his Spirit in a great measure. That gross ignorance, errors, impiety, prophaneness, and immoralities of all sorts do prevail. And also, considering the great growth of popery in diverse parts of the land, and how much the practice of serious religion is neglected, the holy laws of God, and the precious gospel of his ever blessed SON, our SAVIOUR, are contemned. That pride, luxury, dishonesty, and uncharitableness, are arrived at so great a height, and that perjury, and other gross impieties and immoralities, are so common

A commission for preserving purity of doctrine with reference to the errors taught at Glasgow by professor Simpson, teacher of theology there, was appointed at this assembly to prepare and ripen the affair against next assembly, which was appointed

in the land, and so little laid to heart and mourned over, whereby a holy God is greatly provoked. And that all these evils are aggravated by the height of ingratitude to God, to whom we stand engaged by the strongest ties and obligations, who, by a long tract of merciful providences, has dealt most kindly with us, in sparing us, and preserving to us our valuable liberties and reformed religion, for which he has often signally interposed, especially by the late glorious revolution, and the happy accession of his present majesty, king George, to the throne, events never to be forgotten; and that these sins do still prevail, notwithstanding his majesty's good laws against vice, and his royal proclamation, out of a true zeal for the glory of God, for putting the same in execution; and in a time of clear light of the gospel, and pure administration of the ordinances of Christ, by contemning of which, the guilt of these sins is aggravated to a high degree.

“ And considering, that by these things we are exposed to the hazard of calamitous judgments, if God of his infinite mercy, for the sake of our Lord and Saviour, prevent it not; and that our protestant brethren abroad have had barbarous cruelty exercised upon them, and are still groaning under great hardships and persecution; the General Assembly does therefore most seriously call, and exhort all to the solemn duties of fasting, humiliation, and prayer, upon such a day as his majesty shall please to appoint, the assembly having made humble application to him for naming the day, and for interposing his royal authority for the due observation of the same; and hereby, all are earnestly obtested to apply to the said duties seriously and devoutly, mourning for, and endeavouring reformation of these evils, and for that end, to put up fervent prayers for the plentiful effusion of the Holy Spirit, to give power and efficacy to the blessed gospel, and enable us to practise the duties of repentance toward God, and faith toward our Lord Jesus Christ, for mercy through his blood, the only atonement, that deserved judgments may be averted, and that God may continue his precious blessings with us, and give us grace to improve them.

“ That he may long preserve our gracious sovereign, and eminently bless the prince of Wales, the princess, and all the royal family; that he may direct and prosper his majesty's councils and enterprises for the good of his own subjects, and the preservation of the peace of Christendom, and relief of our persecuted protestant brethren in foreign parts; that he would support and strengthen them under their afflictions, defeat the attempts of their adversaries, provide in mercy for their speedy deliverance, and overrule the great affairs now in agitation for that end; and that God would be graciously pleased to disappoint the restless endeavours of those who are enemies to our religion and liberties; and that he may bless endeavours in prosecution of the encouraging means his majesty hath afforded for removing ignorance, and

to meet on the fourth of May next, 1727, and the assembly was dissolved with the ordinary forms.*

While the church of Scotland was thus proceeding quietly and successfully in spreading the knowledge of divine truth, christianizing and civilizing, at the same time, a very poor and rude people, the Jacobite episcopalians, especially the clergy, who had all along arrogated to themselves the character of being the only polite, pious, and learned part of the community, were doing what they could to stem this unostentatious and salutary progress. The pure preaching of the gospel, by the legally authorized presbyterian ministers, they every-where opposed with the utmost virulency. The planting of vacant churches wherever they had any influence, was a matter of the greatest difficulty, and could not be accomplished till their whole stock of legal chicanery had been exhausted, and perhaps, the hostility of a lawless rabble encountered and defeated. Year after year, had the assembly of the church complained, expostulated, and remonstrated with the civil powers regarding this gross perversion of liberty, this perpetual drawback upon their honest endeavours to promote private happiness and public tranquillity, but in vain. Their just complaints were regarded as frivolous, their expostulations as flowing from pride and puritanical humour, and their reasonable remonstrances as irrelevant, illiberal, and intolerant. Assuring themselves that at bottom they were favourites at court, flattered by the notice of the more opulent and influential of the Jacobites, and goaded on by their own ambition, the clergy of this sect, like that of every other so situated, became at length elated to that degree, that they could no longer demean themselves as a small party that was barely tolerated, but aspired to be the dictators of the public feeling, and the conservators of the national faith.

putting a stop to the growth of popery; and that God may be graciously pleased to continue the blessing of seasonable weather, joining thankfulness for the remarkable favour he hath shown us in this way. And the assembly enjoins all ministers to take care that this fast be duly observed, and for this cause to intimate this act from their pulpits upon the Lord's day preceding the day that shall be appointed by his majesty for the observation thereof, and to take occasion to excite the people to their duty with grave and serious exhortations suitable to the occasion." *Acts of Assembly, 1726.*

* Printed Acts of Assembly, 1726.

Their ambition, however, was greater than their prudence, for they could neither agree among themselves, nor submit to the dictation of those who reckoned themselves qualified to take the lead in all that related to the affairs of the pretender. The trustees of the pretender held it as a first principle that all power, ecclesiastic as well as civil, was derived from, and was to be exercised only for promoting the interests of the crown; and they were particularly anxious at this time to have a Mr. John Gillane consecrated a bishop, that he might succeed bishop Fullarton in the see of Edinburgh, which, owing to circumstances, was supposed to be the most important place in their church. This superiority allowed to the see of Edinburgh was highly offensive to some of the bishops, especially to bishop Miller, who aspired to the vacant see of St. Andrews with all its immunities. Finding, however, this to be unattainable, he set himself diligently to cultivate the friendship of the presbyters of the diocese of Edinburgh, that he might by them be elected to that see on the demise of Fullarton, which was now almost daily expected. Having tried all means he could think of to prevent the consecration of Gillane, to no purpose, he at last drew up a remonstrance to the college of bishops against consecrating him, to which he had the address, to procure the signature of upwards of twenty of the presbyters of Edinburgh. "This remonstrance," says Lockhart, "was full of treason, falsehoods, and ill manners—it began by representing the encroachments made on the powers and rights of the church since the reformation," and it exhorted the college "to lay hold on this happy occasion" for regaining what had been lost, now that the crown was in no condition to maintain these encroachments. When this paper was shown to some of the members of the college, however, it was wholly disapproved of, and some of them declared, that if it was presented to the college, they would throw it into the fire, lest it might another day be brought in judgment against them, it being utterly "inconsistent with that loyalty which had hitherto been the glory of the Scots church."

Finding that it would be impossible for them to carry their point in the college, Miller and his associates did not think it advisable to present their remonstrance, but, being highly

enraged, they, in the most open and avowed manner, lamented the deplorable state of the church, that behoved to submit to have office bearers imposed upon her in this arbitrary manner by a king in such a situation, "and what," said they, "are we to expect if he were once upon the throne?" As a last shift, too, "they publicly propagated, to deter the college from proceeding to the consecration of Gillane, lest the government should resent it, that the king had sent a *conge de lire* to Lockhart for his election, and one of the party, Mr. Middleton, declared that if Gillane was consecrated some heads should go for it."* So absurdly will men act, even against their own interest, when intoxicated with the spirit of party.

In consequence of these violent and public disputes, the government became acquainted with the channels of communication between the pretender and his friends in Scotland. The first parcel after this that arrived from the chevalier was seized upon, and Lockhart, to whom it was addressed, who had laboured to promote the interest of the episcopal party with so much zeal, and often with considerable effect, ever since the revolution, was obliged to save himself by flying to the continent, where he remained for some considerable time, and, from aught that appears, never more took any active hand either in civil or ecclesiastical affairs.†

In the midst of all this intrigue and bustle on the part of the episcopalians, it was impossible but that the presbyterians should feel hurt, and, though they had often made their complaint without effect, the General Assembly, which met in May, 1727, again addressed the throne in the most humble and dutiful manner, setting forth the danger to which both the civil and ecclesiastic constitution was exposed by machinations so openly and so vigorously carried on. Adverting to the high eulogium which his majesty had been pleased to pass upon their loyalty, and the confidence with which he expected the continuance of their best endeavours to prevent the growth of popery, ignorance, and immorality, they say that "it is to answer faithfully this great trust that we now crave leave most humbly to represent to your majesty that the papists, espe-

* Lockhart Papers, vol. ii. pp. 322—331.

† Ibid.

cially in the Highlands and Islands, and northern parts of this country, continue still to diffuse their corrupt and pernicious doctrines among your subjects, their bishops and priests taking upon them to say mass publicly, and exercise other parts of their superstitious worship, and even to train up great numbers of youth at schools in a most open manner, in manifest contempt and defiance of your majesty's laws, disowning them as established by unlawful authority, to which no manner of obedience is due, and instilling into the people an opinion contrary to the rules of the gospel, and destructive of society and good order, that, under no less than the pain of damnation, they are bound to oppose them, and to do every thing which may contribute to sap and undermine their foundations, and maintaining that nothing can be more meritorious than to propagate these impious maxims by all means whatsoever; for a more full account of this, we beg leave to refer to former memorials, particularly to one in November, 1725, from the commission of the General Assembly, laid before the lords justices in your majesty's absence.

"We reckon ourselves also obliged humbly to inform your majesty that the nonjuring pretended protestant bishops, and those who are put in orders by them, restlessly endeavour to sow the seeds of disaffection to the present happy establishment in your royal person and family, especially this last year, both in city and country, and in every thing that tends to this they unite in measures with professed papists. Their preachers do not only forbear to pray expressly for your majesty, but on the contrary, they pray in terms by which their hearers understand that none else can be meant but the pretender. They take every opportunity to insinuate into their minds that they are oppressed under your majesty's administration, and can have no prospect of redress but from his success. By these means, their followers entertain favourable impressions of popery, and are the more easily perverted to it, concerning which we have sent to your secretary of state a particular memorial," &c. &c.*

After the little sketch which we have already given of the

* Printed Acts of Assembly, 1727.

procedure of the episcopal church, (for the popish church we consider it in Scotland, ever since the days of John Knox, to be beneath the dignity of history) every candid mind must admit this was moderate, and what could very easily be supported; but we do not know that the government took one single step to rectify the evil, nay, we know that lord Ilay, who was then called king of Scotland, considered it the very best policy to allow the episcopal clergy to ruin themselves,* which, though no thanks were due to him, they certainly did. Indeed, had not the good sense for which Scotchmen have for a century been famous, now come fairly into operation, christianity itself, as it has been elsewhere, had there also been made a fund of emolument to the rich, a blind of ignorance, and a source of misery to the poor. Let it never be forgotten that our Hoggs, our Erskines, and our Bostons, in whom had been preserved all the spirit of our Forbeses, our Calderwoods, our Blacks, our Bruces, and our Knoxes, were still alive, and their well tempered zeal, their knowledge, and their fervid eloquence, made up, under a kind providence, what a prudent government for its own safety would have been careful to have seen supplied.

But the dangers and the difficulties of the Scotch church were not at this time merely of an external kind. At the same time that her enemies without were exerting themselves to the utmost of their means, she had in her own bosom traitors who were secretly sapping her foundations. Mr. John Glass, minister of the parish of Tealing, and Mr. Francis Archibald, minister of Guthrie, had already begun openly to impugn her whole constitution, maintaining that there was no warrant for national churches under the New Testament, and that single congregations are not subject to any judicatory, each having the powers of calling, ordination, and government wholly within itself, every individual member having an equal share of the government. In support of this theory many old exploded errors were revived, which, falling in partly with the philosophy, and partly with the feeling of the times, and recommended by the orderly and decent de-

* Lockhart Papers, vol. ii. p. 330.

meanour of the most of those who adopted them, were by many received then, and with not a few have passed ever since, as new and valuable discoveries, and there are few towns in Scotland which cannot boast of at least one church formed somewhat upon this plan of parity and supposed primeval purity. Messrs. Glass and Archibald were both suspended by the judicatories of the church, and, upon their despising this sentence, afterward deposed. They were both, however, upon an after occasion, restored to the ministry, though not to their churches.

These extremes of opinion were no doubt greatly heightened by the use that was now pretty generally made of patronage, which was already become, in many cases, the only door of entrance to the ministry. Legal doctrine, too, to the great grief of many serious and godly men, had long been prevalent in not a few of the pulpits of the church, and a species of moral harangue, introduced by several young men who aspired to the character of superior learning and politeness, was bidding fair to banish from her sabbath ministrations both law and gospel; nay, at this very time one of her divinity professors, Mr. John Simpson, was suspended by the assembly, being charged with Arian and other errors. This man's case was an ample illustration of the inspired declaration, "Evil men and seducers shall wax worse and worse." He had been, as we have already seen, before the assembly, charged with a long list of very dangerous errors, and, after years of litigation, dismissed with the most lenient sentence, being merely ordered to forbear teaching the offensive doctrines charged against him, which, so far from obeying, he had gone on to perfect his scheme of heresy, by impugning the most important parts of divine revelation, such as the necessary existence of our Lord Jesus Christ, and the numerical oneness of the persons of the trinity in substance or essence, &c. &c. He made a most obstinate defence before this and two following assemblies, but at last made some confessions and an orthodox declaration, which induced the assembly, 1729, to finish the affair by confirming the sentence of suspension passed by this assembly, and giving it as their judgment that

it was not fit nor safe that he should be employed in teaching divinity, and instructing of youth designed for the holy ministry.*

A most interesting account of the success of the society for propagating christian knowledge in the Highlands and Islands was laid before this assembly, and another act was passed in favour of the society, and appointed to be read from all the pulpits in Scotland.†

In the beginning of June, the king, having appointed a regency, again set out for his beloved Hanover by the way of Holland, where he arrived on the seventh. He lay that night at Vaert, and on the ninth reached Delden, between ten and eleven at night, apparently in good health. Here he supped heartily, and pursued his journey by four o'clock next morning, and between eight and nine o'clock ordered the carriage to stop, when it was observed that one of his hands lay motionless. One of his attendants attempted to quicken the circulation by chaffing the motionless hand between his own, but without any sensible benefit. His surgeon, who rode behind him, then rubbed the lame hand with spirits, but equally in vain. His majesty's tongue began instantly to swell, and he was just able to bid them hasten to Osnaburg, where he expired about eleven o'clock next morning, June the eleventh, 1727, in the sixty-eighth year of his age, and the thirteenth of his reign.

The character of George I. was of a mixed kind; having, with much that was good, somewhat that gave room for unpleasant animadversion. That in his person and address he was plain and simple, has not been disputed; and that in his deportment he was grave on all public occasions, though in his hours of relaxation familiar, easy, and facetious, has been pretty

* This very lenient sentence has been most childishly held up as an act of the most cruel and vindictive persecution, which robbed the poor man of his character and his bread at the same time. While the fact is, that the character of a heretic he probably did not consider as any way discreditable, and all the emoluments of his office he enjoyed to the day of his death, which did not arrive till the year 1744, during all which time the principal of the college performed the duties attached to it.

† Printed Acts of Assembly, 1737.

generally conceded. He had acquired in his native dominions, long before he ascended the throne of Britain, the reputation of a cool and intrepid general, a just and a mild prince, and a calculating and cautious politician; nor did any of his after actions afford any just ground for reversing the character. That he was more strongly attached to his German dominions, than a wise policy would have dictated, has been often charged against him. But if we must allow this to have been a failing, it was one which few will deny "leaned to virtue's side." Germany was his own, his native land; and after being worn out with the conflicting passions and interests of British party spirit, which, during the whole of his reign, raged with unabating violence, it cannot be thought strange that he felt pleased and easy where his will was undisputed, and where his word was law. Nor was he the first of British kings who had cultivated an acquaintance with continental affairs, and studied to avail himself of the good-will of the continental nations. Indeed, it had been the policy of England to hold the balance among the contending and rival interests there, from the days of William II. almost down to the days of the imbecile James VI., whose successors in the direct line, becoming the dupes and the pensioners of France, were at once their own and their country's destroyers. William III. certainly the ablest politician of his day, looked for the preservation of European liberty, only through the intervention of Great Britain; and continental triumphs were the glory of his successor. It is also particularly worthy of notice, that though, for the purposes of opposition, and for embroiling and thwarting the plans of a successful rival, continental alliances have, down to this day, often been denounced as absurd and ruinous, not one individual minister has ever yet ventured to disown them in practice. The great earl of Chatham acquired much of his popularity by declaiming against them, yet, when he came to be minister of state, who ever stuck more closely to, or made a more effective use of them? The late Charles James Fox, too, was long in the habit of decrying them, and oftener than once stated, that it had been good for Britain, if Hanover had been like Sodom and Gomorrah turned into a standing lake—and the first, or among the first of his ministerial acts, was a manifesto respecting that country, in

which he laboured hard to outdo all his predecessors in magnifying its importance, and demonstrating the absolute necessity which Britain was laid under to preserve it entire for its original proprietor, the king of these realms.

It would be too much to affirm, that either George or his ministers had any very clear or determinate views of constitutional liberty; but he was naturally averse to tyranny, and seems never to have entertained the smallest desire to stretch, or to enlarge his prerogative. The circumstances, too, in which he was placed with respect to the exiled family of the Stuarts, necessarily led him and his advisers to the adoption of views, and, though not perhaps altogether of principles, of measures highly favourable to the progress of free inquiry, and the development of the national resources. The foundation was indeed laid in the glorious revolution of 1688, of an order of things more perfect, and a career of improvement more general in its objects, more extensive in its effects, and more permanently progressive, than the world had yet seen; and during this reign, amidst all the violence of the tories, and the intrigues of the Jacobites, the glorious superstructure was insensibly so far advanced, as to be equally beyond the reach of individual hostility, or the combined influence of ignorant and fanatical faction.

In his private character, George I. was much less amiable than in his regal. To the external parts of devotion he seems to have been sufficiently attentive, but gave no very prominent evidences of being deeply imbued with its spirit. His treatment of his wife,* upon, for aught that has hitherto appeared,

* George I. was married to the princess Dorothea, only child to the duke of Zell, who brought him two children, George II. and Dorothea Sophia, who died queen dowager of Prussia. Some suspicious circumstances having occurred between count Koningsmark, a Swedish nobleman then at the court of Hanover, and the princess Dorothea, the wife of George, then elector, she was shut up, and died the year previous to this in the castle of Athlen, which had been her prison for many years. The count disappeared, and was generally supposed to have been murdered, and buried in the electoral palace; a supposition which seems to have been afterwards confirmed, by the body being found under the floor of the princess's dressing-room. This was by far too good a story to be overlooked by the Jacobites, who were always on the watch for any thing that could be improved to the injury of his majesty's cha-

a mere suspicion, was, to say the least that can be said of it, severe; and the affair of count Koningsmark leaves a heavy imputation upon his memory, which no length of time will remove. His indelicate attachment to his German mistresses, Madame Schulemberg, and Madame Kilmansegge, the former afterward created dutchess of Kendal, and the latter countess of Darlington, was also a source of pain to his best friends, and afforded much merriment to his enemies, who were disposed to lay hold upon whatever tended to his disadvantage; and, no doubt, gave it to the world with every aggravation they could think of. After having made every allowance, however, for the exaggerations of party and of prejudice, it must be acknowledged, that his conduct in this respect shed a darkening tinge

acter; and, on his death, it served as a foundation to the following absurd story, which was handed about at all the courts of Europe, and which Lockhart translated from the French, and left to his friends with as much care as if it had been a fifth gospel. The following is his edition of the story:—“The circumstances of king George’s death are terrible, and worth the knowledge of all our friends. They are kept as much concealed as possible, even in Germany, so probably will be secret both in England and France. What was told me lately by a person of superior rank, and of great esteem in these parts, I had heard imperfectly before from a lady of quality. It seems, when the late electress was dangerously ill of her last sickness, she delivered to a faithful friend a letter to her husband, upon promise that it should be given into his own hands. It contained a protestation of her innocence—a reproach for his hard usage and unjust treatment—and concluded with a summons or citation to her husband, to appear within the year and day at the divine tribunal, and there to answer for the long and many injuries she had received from him. As this letter could not with safety to the bearer be delivered in England or Hanover, it was given to him in his coach on the road. He opened it immediately, supposing it came from Hanover: He was so struck with these unexpected contents, and his fatal citation, that his convulsions and apoplexy came fast on him: After being blooded, his mouth turned awry, and they then proposed to drive off to a nearer place than Osnaburg, but he signed twice or thrice with his hand to go on, and that was the only mark of sense he shewed. This is no secret amongst the catholics in Germany, but the protestants hush it up as much as they can.”—*Lockhart Papers*, vol. ii. pp. 352, 353.

The reader who has a taste for this kind of reading, will find abundance of it in the works of the late lord Orford. Fortunately, his lordship was not a presbyterian any more than Lockhart; of course the narrating, or the believing, or wishing to believe such absurd stories, reflects no discredit upon their understandings!

over his character, which must have inspired every pure mind with some degree of disgust.

During the reign of George I. politically speaking, but little was done for Scotland, and that little was not improved as it ought to have been. There existed an unhappy prejudice among British statesmen, that Scotchmen could not be governed but by Scotchmen, and of course, some one of the multiplied pretenders to authority in that country, was still selected to direct public measures there, by whose means every thing was conducted upon the good old use and wont system, prescription and the voice of the laird being the only authorities, which, in ordinary cases at least, it was necessary to consult. The evils of the Scottish system had been sufficiently made manifest in the case of Marr's insurrection, but no effectual means were fallen upon to remedy it. Some little was afterwards attempted, through the instrumentality of general Wade, but the best and most efficient of his measures, the making of highways through the Highlands, had not yet been carried fully into effect.

The Scottish church had all along been zealous for the protestant succession, and his majesty frankly acknowledged his obligations to it, and manifested, on different occasions, a desire to promote its interests. Scarcely was he seated upon the throne, when, to remove a cause of dissension among her ministers and members, he had the reduplicating as in the oath of abjuration, which had been introduced by the zeal of the Jacobites, turned into the indicative WHICH, as it had originally been drawn by the presbyterians, and, as this did not gratify fully some of the more scrupulous, he some years after procured the abrogation of the whole disputed clause.* The law of patronage, too, was at the same time so modified, that but for the cupidity of her own ministers, it could never have been in the least degree hurtful, either to the peace or the prosperity of the church. There were, however, men in the church who were fully as fond of patronage as the patrons themselves, whose number, by the exercise of that detestable

* This clause was again restored in 1766, by an act of the 6th of George III., and the oath appointed to be taken by all according to the form enjoined in the year 1715, the words of which are repeated without any explanation added to them.

ustrpation, was daily increasing,* and it was soon evident, that it was to lay waste the vineyard of the church if not speedily checked. This view of the matter called forth the energies of all who felt interested in her future prosperity, and long before the end of this reign, there was manifested a keenness of opposition to all the attempts at extending or confirming the supposed rights of patronage, that indicated a conflict of which no one could see the issue, and the consequences of which, though all men dreaded, no one at the time was able to foretell.

Never before, however, had such a long period of tranquillity been enjoyed by the church of Scotland. Thirty-nine years she had now uninterruptedly, comparatively speaking, gone on pursuing her proper objects. Her ministers had been, the great body of them at least, strictly pious, her doctrines for the most part pure, and her discipline strict, perhaps even severe. Parishes had been carefully watched over, schools every-where established, and the consequences were, even among a rude, poorly paid, ill-fed, and worse lodged peasantry, propriety of moral conduct, and a fair portion of knowledge, which gained them a name in every civilized country, and at this day gives them an honourable distinction in every quarter of the world.

With regard to trade, agriculture, and the arts, the progress had not as yet been great, but they were all progressing; and though there were many obstacles in their way, and particularly an host of prejudices to be overcome, the skilful politician, no doubt, saw, and rejoiced to see the expanding rudiments of a perfection in them all, which he was destined never to see, and of which, it is probable, the most acute minds of that day had formed no distinct conception. In many places, the shock given to commerce by the Union had not yet been recovered; but in others, particularly in Glasgow, which has now attained to so much eminence among commercial cities, it had wholly passed away, and was succeeded by confidence, greatly extended commerce, and rapidly accumulating wealth.

* So early as the year 1720, Mr. Cupples accepted a crown presentation to the parish of Kirkoswald, which he gave in, along with his letter of acceptance, to the presbytery. He is said, indeed, to have been the first that did so, but his pernicious example was not allowed long to stand single.

The tobacco trade with Virginia and Maryland was the first that was embarked in by the Glasgow merchants after the Union, which they carried on at first in vessels chartered from the English ports; yet such was their enterprise, that in a few years they had nearly engrossed the trade, to the no small mortification of the English merchants, who exerted themselves to the utmost to put a stop to their progress, and succeeded at length, by representations and complaints, repeatedly declared by the legislature to be groundless, to have a number of restrictions laid upon it, by which it was cramped for several years.*

Manufactures, and the mechanic professions, were all, as yet, in a very backward condition; but the example of the sister kingdom was now brought more immediately into view, and the effect was necessary and infallible. "These wise and prudent people of England," says a Glasgow politician, speaking of these things as they stood in 1720, particularly of the poverty that stood in the way of improvement, "give us a good example for this; for it is not only the poorer sort there that go to trades, but also noblemen and gentlemen there give all their sons trades, and they being in ability to keep them with tradesmen, until they be perfect tradesmen, and also furnish them with good portions to set up with, they can furnish the poorer sort under them in trade, and also let their goods lie until they see a time to pass them, which advances trade, and gives credit to the same. Now here, it is only the poorer sort go to trades, that can scarce maintain themselves with a tradesman to get instruction, and then has little to set up with, and so cannot furnish themselves sufficiently with instruments for making good work, neither can they let goods lie by them for an outgate. By this means they must sell their goods as they make them, and make them as they can sell them, and that is many times both coarse and slight: so this is not the way to make a good trade, neither can we have a good trade unless our nobility could be persuaded to set up manufactories, and build ships for transporting goods, and set up a trade of fishing,

* Cleland's Abridgment of the Annals of Glasgow, pp. 342, 343. It is worthy of remark, that the first ship built in the Clyde, that crossed the Atlantic, was built in the year 1717. Ibid.

or the like, who are in ability for doing of it, otherwise we cannot have a good trade." Our nobility have not fulfilled the expectations of this plain but apparently honest patriot, but our merchants have at length become richer than our noblemen, and of course are now independent of them, and do just what he would then have had them doing.*

The same poverty that obstructed the progress of manufactures, was an insuperable barrier to the rapid progress of agriculture, but it, too, had begun to advance under the security that was now enjoyed, and several of the Scottish nobility honourably distinguished themselves in this most useful and most honourable of all terrestrial pursuits. Among the foremost of these was John, second earl of Stair, one of the greatest names which Scotland at that period could boast. He was, as we have seen, ambassador at the court of France in the early part of the reign of George I., and performed most signal services during the perilous period of Marr's rebellion. Having too much good sense not to despise the villanous and foolish dreams of Law, who, about the year 1720, rose to almost supreme power in France, he was recalled by the British ministry for fear of giving umbrage to that people, and dismissed from all his employments, when he retired to his seat at Newliston, and amused himself, like another Fabius, in cultivating and embellishing his estate. He was the first that raised turnips and cabbages in Scotland in the open field.† The success attending his exertions, engaged others to follow his example, and his name stands most justly enrolled among the best of Scotland's benefactors. Thomas, sixth earl of Haddington, was also honourably distinguished as an agriculturist, and, besides adorning his estates with many noble plantations, had the honour of introducing that most important improvement, the sowing of clover and grass seeds, into the husbandry of East Lothian.

It was during this reign, too, that the Scottish muse, after a long silence, began again to make vocal her woods, and to awaken the echoes in her native vales, principally through the

* Some of the Grievances and Complaints of the Poor People of Scotland, &c. &c.

† Douglas' Peerage by Wood, vol. ii. p. 580.

instrumentality of an obscure individual, Allan Ramsay, a man born in humble life, and educated little, if at all, above what was now becoming common to the peasantry of Scotland. Many of Ramsay's lyrics still stand among the first productions of the kind, and his *Gentle Shepherd*, probably the noblest pastoral poem extant, was first published in 1724. About the same time, English literature gained a mighty accession from the influx of Scottish genius, and her poetry displayed new powers, and rose to new honours, by the publication of Thomson's *Winter*, which made its first appearance in the year the king, George I. died.

THE
HISTORY OF SCOTLAND.

BOOK VII.

1727—1733.

Accession of George II.—Proceedings of Parliament—Address of the Church of Scotland—Movements of the Chevalier—Leaves Lorrain for Avignon—His wife refuses to join him there—Meeting of Parliament—General Assembly—Prince of Wales arrives in England—Parliamentary proceedings—Professor Simpson—Treaty of Seville—Indian chiefs—General Assembly—Law proceedings ordered to be conducted in the vulgar tongue—Complaints of the conduct of Spain—Treaty of Vienna—General Assembly—Parliamentary proceedings—Disputes in the General Assembly—Violence of the ruling party—Comparison of the acts of Assembly 1733 and 1690—Ebenezer Erskine and the synod of Perth—General Assembly—Commission of the General Assembly, &c. &c.

ON the fifteenth of June, 1727, the day after the express arrived with the news of the death of his father, George II. was, with the usual formalities, proclaimed king of Great Britain. His accession was hailed with the warmest demonstrations of joy by all parties, each of whom allowed themselves to hope that they would attain to his peculiar favour. No change, however, followed in the general policy of the country, nor in the state of parties, except that they changed their appellations, the Hanoverians assuming the name of the court, and the Jacobites that of the country party. George II., with much less ability, had all the prejudices and partialities that had distinguished his father, and negotiations were carried on, and subsidiary alliances pursued with all the ardour, and cherished with all the affection of the former reign.

The favourites during the former reign continued to be the same under this. Lord Townshend had the foreign department, for which, by his general knowledge, he was remarkably well qualified. For his special assistant he had the duke of Newcastle, a man of very slender acquirements, but possessed of great parliamentary interest, and zealous for the protestant

succession in the house of Hanover, and as an auxiliary the famous lord Chesterfield, who, with little head and still less heart, from the polish of his manners and the plausibility of his address, though he was employed only in a subordinate character, was considered as worthy of filling the highest situation; but the individual who infused spirit into and ruled the whole mass, was Sir Robert Walpole, a man of unquestionable talents, possessed of singular penetration, and capable of bending almost every man to his own purposes. He had been in the latter end of the reign of Anne an object of great jealousy to the Tories, and, amid much opposition, had, from very small beginnings, risen into great consideration. Insensible to reproach, he could reason dispassionately upon any subject in the face of the most obstinate opposition, and, without appearing to attempt being eloquent, possessed the powers of persuasion in a very high degree. With the nature of the public funds he was peculiarly well acquainted, and the mysteries of stockjobbing were all his own. By these means he formed a connexion with the money corporations, which greatly extended his influence, and gained him a superiority in the house of commons, which, by the same means, every succeeding minister has been ambitious to possess. Sir Robert Walpole, indeed, seems to have been the first minister who comprehended the necessary consequences of the great and increasing national debt, and of course was prepared to take advantage of these consequences, and to turn them into the means of enlarging and confirming his own power, which, for a number of years, was superior to that of both king and parliament. Corruption was the almost openly avowed principle of his management, the venality of mankind that to which he trusted for the accomplishment of his purposes, and his general success showed that his estimate of human nature, harsh as it might be thought, was but too well founded.

The high court of parliament assembled on the twenty-seventh of June, when his majesty professed his fixed resolution to maintain the country in the full possession of all its privileges civil and religious. The public expense he promised to lessen as soon as circumstances would permit, and while it would be necessary to make provision for his royal household, he recom-

mended to them despatch in the business of the session, that they might be at liberty to return to their proper duties in the country before the season for doing so was expired. Both houses addressed him in the warmest style of panegyric. To the settlement of the civil list, Mr. Shippen, made a most violent opposition, in which he took occasion to pass high encomiums upon the frugality and the pious liberality of Anne, though the civil list in her time amounted to no more than five hundred and fifty thousand pounds—he also animadverted with great severity upon the many expensive and needless journies to Hanover undertaken in the last reign, which he trusted were to be now for ever at an end, and he noticed with peculiar severity the excessive sums that had been time after time sunk in the bottomless gulf of secret services, and concluded by proposing to restrict the civil list to the same sum that had been granted to his late majesty, viz. seven hundred thousand pounds per annum.

That there was much truth in many of these remarks has never been denied, and they were probably felt as appalling matters of fact at the time, but they were uttered with no good intention. Shippen was a Jacobite, the panegyrist of the Stuarts, and the advocate for restoring them to that power which they had so grossly abused, though he concealed it by an outrageous patriotism, and he had little support but from men of the same stamp, and of course was little regarded. Every thing was carried according to the wish of the minister, and, on the seventeenth of July, the session was closed by a speech from the throne, wherein his majesty declared his entire satisfaction with their conduct, and congratulated them upon the wealth and glory of the nation, by which they were enabled to hold the balance of Europe. The house was prorogued to the twenty-ninth of August, but on the seventh day of that month was dissolved, and writs issued for convoking another in its place. In the interim, several changes were made in the members of administration, but all relating to England, and none of them of any material consequence.

Previously to his being proclaimed king, George II. took and subscribed the oath for the security of the church of Scotland, as required by the act of Union; and the commission

of the General Assembly, on their first meeting, presented him with an humble address, expressive of the most ardent loyalty and affection, and anticipating the happiest results from his undisturbed accession to, and peaceable enjoyment of the throne;*

* The following is the address agreed to by the commission on this occasion.
May it please your Majesty,

We lay hold of this first opportunity that our meeting together affords us, to express our just sorrow and concern for the unspeakable loss which we, together with all the protestant churches, have sustained, in the unexpected death of his late majesty, your royal father, our most indulgent sovereign; and, at the same time, to declare the hearty joy, and complete satisfaction that possess us on your majesty's quiet and peaceable accession to the throne.

When we revolve in our thoughts, how melancholy our situation appeared to be by the sudden removal of our late most gracious and wise king, at a season when the critical juncture of publick affairs in Europe seemed to call for the most steady hand to conduct them; and when we reflect how momentary our fears were, how quickly they were dispelled upon your majesty's ascending the throne of your ancestors, with the universal and joyful consent and congratulation of your people; and when we see the weight of British councils in supporting the protestant interest abroad, and preserving the balance of Europe, prevail as formerly, we cannot but admire and adore the kind providence of Almighty God, who hath turned our sorrow into gladness, and under these gloomy circumstances, which threatened us with danger, hath opened to us the prospect of lasting happiness and security.

It has been the unhappiness of Britain for more than a century past, that it never saw the throne filled, at the same time, with a protestant king and queen, blessed and supported by a hopeful progeny; whence grew that weakness in the state, and uncertainty in the settlement in matters of religion, that has frequently threatened the protestant churches with ruin. But now, thanks be to our most gracious God, we see joined to our king, whose wisdom, justice, and magnanimity, secures the church and state from all apprehensions, a queen, whose virtue and piety are a fit pattern for your people; and whose generous contempt of diadems, when standing in competition with the protestant religion, is rewarded, even in this life, with one of the most considerable crowns in Europe; and assures religion in this island of finding in her a tender nursing mother, as it gives a solid expectation, that the growing royal family, the hope and glory of this kingdom, will be brought up in the same principles.

Under these happy circumstances we can have no apprehensions of what we formerly dreaded; but may reasonably hope, that the abjured pretender will soon have no friend in Britain, who is not likewise a friend to his absurd religion; and our faithful endeavours must, with the blessing of God, have the same success against him, as against the errors that lead captive his blinded abettors into his interest against their own.

That the profession we make of affection to your majesty is unfeigned and genuine, no enemy we have can pretend to doubt. Early upon your accession

which seems, at the same time, to have been the general feeling of the Scottish people. The pretender, however, appears to have thought very differently, and no sooner heard of the death of George I. than he set out with the utmost haste from Bologna to Lorrain, without so much as waiting for his queen, who, as he had dismissed Inverness, had withdrawn from the convent, and was on her way to join him at the former of these places. The following letter written by him at this time, and addressed to Lockhart, who was now like himself a wanderer on the continent—at the same time that it is a narrative of his feelings, gives a pretty full view of the policy he was pursuing, and of the means he possessed for that great undertaking which lay nearest his heart, the liberation of Great Britain. It is dated Nancy, July twenty-second, 1727.

to the crown, we received the strongest security, that your majesty will maintain inviolably the rights and privileges of the church of Scotland; and its main support, under God, is from the present happy establishment of the crown on your majesty and your royal family. Our preservation depends so evidently upon your undoubted title to the imperial crown of the realm, that tho' the popish pretender to your majesty's throne, in publick papers and declarations, has often attempted to delude others with the vain hopes of protection, should his arbitrary and tyrannical government take place over this island, yet not the remotest insinuation either was or could with any colour be made in favour of our church; so inseparably are our duty to your majesty, and our interest connected together. And therefore we humbly presume to hope, that your majesty will graciously accept of this first declaration, and tender of our unalterable love, duty, and loyalty.

That God may long preserve your majesty, the great pattern and promoter of religion, and the defender of the true faith; that your reign may be happy and undisturbed; that you may always possess the hearts and affections of all your subjects; that you may be the guardian of the liberties of Europe, the support of the protestant interest, and the blessed instrument of relief to our suffering brethren abroad; that all divine blessings in Christ Jesus may be plentifully dispensed to your majesty, to our most gracious queen, to the prince, and all your royal family; and that it may ever be the happiness of Britain to have a prince of your royal line to sway the sceptre, are the ardent prayers of,

May it please your majesty,

Your majesty's most faithful, most obedient, and most loyal subjects,
The ministers and elders met in the commission of the General Assembly of
the Church of Scotland.

Signed in our name, at our appointment, and in our presence, by
WILE. HAMILTON, Moderator.

Acts of Assembly, 1728.

“ As soon as I heard of the elector of Hanover's death, I thought it incumbent on me to put myself in a condition of profiting of what might be the consequences of so great an event, which I was sensible I could never do at so great a distance as Italy, and that made me take the resolution of leaving that country out of hand, and drawing nearer to England, that I might be in a readiness, without loss of time, to profit of any commotion that might ensue in Great Britain, or of any alteration that might happen in the present system of Europe, on Hanover's death. At the same time that I left Italy, I dispatched expresses to Vienna, Madrid, and Paris, and have already received the return of that to Vienna, by which it is very plain that the emperor would be very desirous that I could be in a condition of making an attempt without any foreign force, and would not even obstruct my own passing privately through his dominions, for that effect; though his ministers declare, at the same time, that since the preliminaries are signed, he cannot give me any assistance.

“ The answers from France and Spain are not yet come, but when they do, it is to be expected they will not be more favourable, so that for the present no foreign assistance can be expected; but withall, that the present conjuncture appears so favourable in all its circumstances, that had I only consulted my own inclinations, I should certainly, out of hand, have crossed the seas, and seen, at any rate, what I could do for my own and my subjects' delivery; but as on this occasion I act for them as well as myself, and cannot hope, without their concurrence, to succeed in what I may undertake in our mutual behalf, I find myself under the necessity of making no further steps without their advice.

“ 'Tis true, the disadvantages I lye under are great and many. I have but a small stock of money, scarce sufficient to transport the few arms I have, and what officers I may get to follow me on this occasion. I am sensible that it is next to impossible that a concert should be established among my friends at home, such as would be sufficient for a rising in arms in my favour, before my arrival, and by what is said before, the little hopes of foreign assistance will be sufficiently seen; but with all this, many arguments may be brought to authorize an undertaking, which, at first sight, might appear

rash. Our country is now (whatever the outward appearances may be) in great confusion and disorder; the people have had time to feel the weight of a foreign yoke, and are no ways favourably inclined towards the present elector of Hanover. That concert, vigour, and unanimity, that does not precede my crossing the seas, may attend and follow such an event, and if the chief great powers in Europe are not all my declared friends, there is not one that is my enemy, and that has not a particular interest to wish me on the throne; and were I in person in Britain, at the head of even a small number of my own subjects, it might naturally alter very much the present system of some or other of them, during the time of the congress; but should it once meet and affairs be adjusted there on the foundation of the quadruple alliance, foreign affairs will take quite another face, and in all probability would long remain so, whilst the present elector of Hanover, and his son, might have time to ingratiate themselves with the English nation; so that all put together, it must be concluded, that if the present conjuncture is slipped, it cannot be expected that we ever can have so favourable a one for acting by ourselves, and that we run the risk of allowing the general affairs of Europe to take such a turn, as will probably incline most of the chief powers of Europe to be less favourable to us than they are at present; so that whatever is not absolutely desperate, ought certainly to be undertaken, and the sooner the better.

"I desire, therefore, you may think seriously on this matter, and let me have your opinion as soon as possible; and if my going into England be not advisable, whether my going to the Highlands of Scotland might not be found proper." The following postscript was written in the pretender's own hand:—"The contents of this will show you the confidence I have in you, and I expect you will let me know by the bearer Allan,* your advice and opinion particularly, on this important occasion."†

Lockhart seems to have been thunderstruck with this letter,

* Allan Cameron, he was a Highlander, and a creature of Inverness.

† Lockhart Papers, vol. ii. pp. 356—358.

manifesting so little judgment, and so much presumptive impatience:—"Nothing," he says, "could have surprised me more than my accidental meeting with the bearer, but the accounts I got from him of you, and your late resolutions, being what I did not in the least imagine or expect. The subject of yours is a matter of the greatest importance; and though it was very natural for you to desire to be in a condition to make benefit from any happy circumstance that might occur, yet I am much afraid nothing of that kind is like to happen at this juncture. I have no intelligence from t'other side of the sea; but by the public letters, 'tis plain that the people of England are intoxicated at present, having forgot their late ailments by the ill-grounded hopes of a better management, and till they find themselves disappointed, I can form no hopes from them, especially seeing you have no prospect of what you and all your advisers judged essentially necessary, even under the fairest views, for your support and the encouragement of others. And as for the other part of the country, [Scotland,] they cannot possibly do any thing without being provided with the many material things they want; and ere it can be done, much time and many difficulties must be surmounted, during which opposite preparations will be made on all hands. I readily grant 'twere a notable advantage to give the stroke in the beginning, lest affairs at home and abroad grow worse, and be rivetted—but then, even under this consideration, this is not to be attempted without necessary precautions and provisions; for without these, such, or indeed any attempt would be desperate, and without miracles from heaven, prove the utter ruin of all future hopes. I believe the people of Scotland are much as I left them—that is, very well disposed; but withall so overrun and oppressed, that 'tis impracticable for them to do any thing but jointly, and in concurrence with their neighbours of England, and I am pretty well assured that notion is so established and fixed in their minds, that they will scarce on any account divert from it, so that all depends on the English, and for you to venture over to either Scotland or England without an absolute assurance of some support, may prove pernicious to yourself, and fatal to all that wish you well.*** No man living would be more glad to see the dawning of a fair

day, but when every airth of the compass is black and cloudy, I cannot but dread very bad weather, such as can give no encouragement to a traveller, nay, cannot well fail to prove his own and his attendants' utter ruin and destruction."*

Finding so little encouragement at home, and able to procure no assistance from abroad, the pretender found it necessary to lay aside that character of heroism which he had for a moment assumed, which indeed sat very ungracefully upon him, and relapsing into the humble dependant, he left Lorrain, and, under the protection of the pope, repaired to Avignon, which it was supposed he chose in preference to Italy, that he might be free from the importunities of his wife's friends, who were numerous in that country. Here, however, he was not allowed to remain. He had sent for her to join him, in the hope of her presence being useful to him in the way of softening the French court, and calling forth its sympathies in his behalf; she, however, refused to come, and this refusal he himself attributed to the evil influence of cardinal Alberoni, and her other directors, "who," says he, "are resolved never to want a pretence to prevent a solid union betwixt us, and to make use of her in the meantime, to distress my affairs as much as possible. Had she come now, it might have been a great means to have fixed me here, as I much apprehend her remaining in Italy may not a little facilitate the endeavours of those who wish me removed." She, in a letter to the lady Southesk, of the same date, or nearly so, of the above, acknowledged that she had been sent for to Avignon, but that she had declined the journey for several reasons:—First, "That she did by no means think her children in such good hands as she in prudence and kindness could have them. Secondly, That the cardinal Polignac had lately notified to the pope, that his master, the French king, had given orders to seize and stop her, if so be she entered his dominions with a design of repairing to the king whilst he remained at Avignon, and her friends did not approve of her running the hazard of trial, whether or not the French king was in earnest: and Lastly, On a surmise that the earl of Inverness was as much as ever in the king's favour, and in a little time would be re-

* Lockhart Papers, vol. ii. pp. 360.—363.

called. The cardinal legats of Bologna had writ, earnestly desiring his majesty to satisfy the queen in that article, which, he declining to do, gave her too good reason to apprehend that it might probably come to pass when they were altogether at such a distance from her friends in Italy, and she had no person to advise with and countenance her. Her majesty, therefore, from the danger to which her person would be exposed, and the badness of the season, desired the king would excuse her attempting the journey at that time, and till it appeared how matters were likely to cast up.”*

The disingenuity of the pretender's character is strongly marked in the statement he thus made to his friends, having never taken the least notice of the reasons his wife assigned for not complying with his request. He appears, indeed, to have acted with his wife, as all his race had ever acted with their people—demanded her obedience to the utmost, but resolved to hear as few as possible, and to redress none of her grievances. In short, he seems to have been as poorly fitted for being the head of a family, as of an empire; the former he obtained and could not rule with discretion, the latter happily was not one of the playthings with which he was intrusted. Lockhart seems to have been particularly disgusted with his conduct in this whole affair, and having now, from so many displays of imprudence and imbecility on the part of the pretender, probably little hope of his ever doing any thing honourably or profitably as a public character, seems to have resolved to return home if he could be permitted, and abandoning a person so unlikely ever to realize the expectations formed of him, to pass the remainder of his days in private life. This intention he intimated to James in a long and rather sensible letter, in which he takes a retrospect of his whole management, censuring very freely many parts of it, and concluding, that “if the peace of his family could be obtained at so easy a rate [as the dismissal of Inverness] nothing less could be expected from him than, in justice to himself, his posterity, and his people, immediate compliance, whereby he would show himself a loving husband, a kind

* Lockhart Papers, vol. ii. pp. 378—380.

parent, and a gracious sovereign. Whether this had any effect upon him, or if it was from necessity, the French court not daring to harbour him longer, we know not, but in a few days James passed again into Italy. At no former period of his life, indeed, could he have made an attempt upon Britain with less prospect of success; the new king was generally popular, and nothing was left unattempted that could have any influence in making him more so; the pretender's friends were never before so divided, the episcopal clergy who used to be so firm in the cause, had rent their bond of unity into tatters, many of them having renounced all dependance upon superiors, civil or ecclesiastic, so that on all hands there was nothing among them but doubt and despondency.* "And thus," Lockhart concludes, "whilst no party is acting for his interest, no projects formed, nothing done to keep up the spirits of the people, the old race drops off by degrees, and a new one sprouts up, who having no particular bias to the king as knowing little more of him than what the newspapers bear, enter on the stage with a perfect indifference, at least coolness towards him and his cause, which consequently, must daily languish, and in process of time be totally forgot."†

The elections both in Scotland and in England for the new parliament were almost every where carried according to the wishes of the ministry, and it was assembled on the twenty-third day of January, 1728. In his opening speech, his majesty assured both houses, that by the last advices from abroad he had every reason to hope, that the difficulties which had hitherto prevented the opening of the congress would be speedily removed, reminding them at the same time of the necessity of keeping up those preparations by which they had ensured their own safety, and prevented an open rupture among the conti-

* "Lord Kincardine writes to me that there seems to be an universal jealousy and dislike at certain persons, who for some time past have been chiefly trusted by you about your person, on what grounds he can't pretend further to say, than that universal credit is given to the many facts they charged with that occasioned the queen's retiring, and the removal of several persons of rank and character, that had long and faithfully served you and your cause at the expense of their all." Letter from Lockhart to the Pretender. Lockhart Papers, vol. ii. pp. 393, 394.

† Lockhart Papers, vol. ii. p. 405.

mental nations. He assured them that his first care should be to reduce from time to time, as circumstances would permit, the public expense. He also expressed an earnest desire to see the foundation laid of an effectual scheme for the increase and encouragement of seamen, and that they might be invited rather than compelled into the service of their country. He concluded by recommending unanimity, zeal, and despatch in the business that might be brought before them. This speech was received by both houses with almost boundless applause. The commons in their address expressed the warmest gratitude for the numberless blessings of his reign, and the lords hailed him as the best of kings, and the true father of his country. They approved of all his transactions, and promised to support him in all his undertakings, declaring that for the public service no supplies should be wanting. Nor did they fail in the performance of their promises—every motion of the kind was carried, although not always without opposition. The national debt had already become a subject of alarm to many politicians, and, during this session, became the subject of violent debate, and a statement thereof being approved of by the house and presented to his majesty, he quieted their apprehensions by graciously assuring them, that the provision made for gradually discharging it was now become so certain and considerable, that, but for some unforeseen event, there was the fairest prospect of having all the old debts discharged without incurring any new encumbrances.* The session was closed on the twenty-eighth day of May, with his majesty's thanks for the effectual and kindly manner in which they had met all his wishes.

The General Assembly of the church of Scotland was opened on the second day of May, 1728, the Rev. William Wisheart, principal of the college of Edinburgh, moderator, Hugh, earl of Loudon, commissioner. This assembly, besides approving

* How often has this same fallacy been repeated, and how often to the reproach of common sense believed? Mr. Pulteney observed very justly at the time, that the shifting of funds was only perpetuating taxes, and putting off the evil day, and whatever had been built upon the sinking fund, nothing was more certain than that the debt had still been increasing, ever since the setting up of that pompous project.

of the address of the commission of last assembly, and engrossing the address among their minutes, also voted another of the same import, which was most graciously received by his majesty, who thereupon renewed the assurances of his fatherly care and protection. The principal business before this assembly was the affair of professor Simpson, the issue of which we have already summarily detailed. After appointing their next meeting for the first Thursday of May, 1729, the assembly was dissolved with the usual forms.*

The fate of Europe still continued in suspense—the congress opened at Soissons, for determining all matters in dispute, proving ineffectual—and the Spanish cruisers continued to insult British merchantmen, yea, often to make prizes of them with impunity. The British fleet, in the meantime, lay inactive in the West Indies; the ships eating up with the worm, and the sailors perishing under a noxious atmosphere, without being allowed to avenge their country's wrongs.

His majesty's eldest son, prince Frederick, who had hitherto resided in Hanover, arrived in England about the middle, or rather the beginning of December, and was admitted into the privy council, and created prince of Wales.

Parliament was again assembled on the twenty-first of January, 1729. Petitions from the merchants of London, Bristol, Liverpool, &c. were presented to both houses, complaining of the depredations committed upon them by the Spaniards, and craving protection; which, on an address from the commons, his majesty promised his best endeavours to obtain. The session, upon the whole, was fruitful in nothing but idle debates; the Jacobite Shippen, still acting the farce of a patriot, clamorous for the constitution, and the liberties of the subject. The session was closed on the fourteenth of May. An act having been passed enabling the queen to act as regent in his majesty's absence without taking the oaths, she was appointed accordingly, and his majesty departed for Hanover on the seventeenth, in order to settle some disputes that had arisen between the regents of that electorate, and the king of Prussia.†

* Acts of Assembly, 1728.

† Smollett's History of England.

The General Assembly of the Scottish church met according to appointment, on the first of May, 1789. The Rev. Mr. James Alston, minister at Dirleton, was chosen moderator; David, earl of Buchan, commissioner. His majesty's letter, with one thousand pounds, for propagating the gospel in the Highlands and Islands, was presented by the commissioner. The letter contained the usual compliments, and was answered in the usual manner.

The presbytery of Lorn was by this assembly divided into two, for the more convenient meeting of the members, and the more easy attendance of such as had business with these courts. The parishes within the Isles of Mull, Tiree, and Coll, and the country of Ardnamurchan, Sunnard, and Morven, consisting, at that time, of six ministerial charges, were erected into one presbytery, to be called the presbytery of Mull, and their place of meeting appointed to be at Arros, in that island. The parishes of Lismore and Appin, Ardochattan and Muckcairn, Kilmoir and Kilbride, Kilbranden and Kilchattan, Kilniver and Kilmelfort, with the parishes of Kilchrenan and Dalavich, and Innishall and Clachandysart, formerly belonging to the presbytery of Inverary, they constituted the presbytery of Lorn, appointing their ordinary place of meeting to be at Kilmoir.

A letter from the dutchess of Gordon, in answer to one sent her by the late commission, was read in this assembly, wherein she declared her profession of the true reformed religion to have been always real, and not seeming only, and she assures them, that her utmost care and endeavours shall not be wanting to have, not only her eldest son, but all her children educated with the strongest attachment to truth and justice. The assembly ordered a respectful letter to be written, in their name, to her grace; and they appointed a deputation of three ministers, and two ruling elders, to wait upon her grace, and deliver the same.*

* This dutchess of Gordon, was lady Henrietta Mordaunt, daughter of the celebrated general, Charles, earl of Peterborough and Monmouth; she brought up all her children in the protestant faith, and upon that account had, in 1735, six years after the period of which we now write, a pension of one thousand per annum, granted by George II. for the better support of herself and chil-

The assembly was dissolved on the sixteenth with the usual forms, having appointed their next meeting to be upon the second Thursday of May, 1730.

The British parliament was assembled on the thirteenth of January, 1730, when his majesty informed both houses, that a treaty had been concluded at Seville, built upon the foundation of former treaties, tending to render more effectual what the contracting powers in the quadruple alliance were before engaged to see performed, by which he considered the peace of Europe to be completely established. All former conventions made with Spain, in favour of British trade and navigation, he assured them, were by this treaty renewed and confirmed, and the free uninterrupted exercise of their commercial pursuits completely restored. He further stated, that the court of Spain had agreed to an ample restitution and reparation for unlawful seizures and depredations; having solemnly re-established, confirmed, and guaranteed all rights, privileges, and possessions belonging to him and his allies, without so much as one concession having been made to the prejudice of his subjects. In consequence of this happy turn of affairs, orders had already been issued for discharging a great number of the forces, and for laying up a part of the fleet, which, he observed, would make a great saving in the expenses of the current year. Addresses of thanks and of congratulation were in return voted by both houses; but when the treaty came to be examined, it was far from giving that general satisfaction which his majesty and his ministers had anticipated. That restitution and reparation, of which his majesty was not a little vain, was not to be obtained, till the British merchant had proved his losses at the court of Spain, a method so troublesome and expensive, as might well be supposed would deter the greater part from undertaking it, especially as they had reason to suspect that their claims would be met

dren. She died on the eleventh of October, 1760, at Prestonhall, in the county of Edinburgh, an estate which she purchased in 1738, at a judicial sale, and left to her fourth son, lord Adam Gordon, who died a general in the British army, colonel of the first regiment of foot, and governor of Edinburgh castle, on the thirteenth of August, 1801.—Douglas' Peerage; by Wood, vol. i. p. 634.

by counter claims on the part of the Spaniards, and they had, at best, but the slender hope of obtaining that redress by commissaries, which they had been unable to procure by plenipotentiaries. In place of confirming the quadruple alliance, this treaty, it was maintained, was contradictory to it—had been made without the concurrence of the emperor, and even without inviting him to accede to it—an affront which might alienate his friendship from England, and thus cost her an ancient, powerful, and faithful ally. The emperor, indeed, did resent it so far as to prohibit British subjects from trafficking in his dominions, and began to march troops into Italy with unwonted celerity. But he wanted money—England was the only place where he could obtain it, and to prevent his doing so, a bill was brought into parliament, and passed into a law, to prevent the subjects of England from lending money to foreign powers, without the king's special license for that purpose.

This session of parliament was closed on the fifteenth of May by the king in person, who, in his speech on that occasion, expressed his satisfaction, that notwithstanding of the clamour that had been raised, the conduct of parliament had been such as could not fail “to inspire men in general with a just detestation of those incendiaries, who, by scandalous libels, laboured to alienate the affections of his people, to fill their minds with groundless jealousies, and excite unjust complaints in dishonour of him and his government.”

His majesty was this year visited by seven Indian chiefs of the Cherokee nation, who laid their crown and regalia at his feet, and in name of their compatriots, who had vested them with powers to that effect, acknowledged themselves his subjects. These poor barbarians were quite overwhelmed with the splendour of the British court; they compared the king and queen to the sun and moon, the princes to the stars of heaven, and themselves to nothing. They gave their assent in the most solemn manner to articles of friendship and commerce, and being loaded with presents of necessaries, arms, and ammunition, were reconveyed to their own country.*

* History of England.

The General Assembly met, according to appointment, on the fourteenth of May, 1730. The Rev. Mr. William Hamilton, professor of divinity in the college of Edinburgh, was chosen moderator, and Hugh, earl of Loudon, was appointed commissioner. Little business of moment seems to have come before this assembly. An act was passed, forbidding the recording of reasons of dissent from decisions of church judicatories, ordering them only to be kept in *retentis*, to be laid before superior judicatories. This act probably was intended to pave the way for what was soon adopted by the assembly itself, the refusing either to receive or record reasons of dissent from its decisions. An act was also passed for preventing the spreading of error, which recommended "to all ministers of this church to be careful in their several charges to guard against the spreading of any errors contrary to our standards of doctrine, and condemned by acts of assemblies, particularly such as strike against the fundamentals of our holy religion." This act was probably intended to quiet the clamour that had become so general with regard to professor Simpson. The next meeting of assembly was fixed for the first Thursday of May, 1731.†

Parliament was again assembled on the twenty-first of January, 1731. His majesty in his speech, reminded them that the present conjuncture was critical, and demanded their particular attention; and as the many important matters depending in the several courts of Europe were on the eve of being settled, the great event of peace or war could not fail to be very much affected by their first resolutions. The continuance of that zeal and vigour with which they had hitherto supplied him in all his engagements, they could not but observe must at this time be of the greatest importance, both to his allies, and to those who might be disposed to prevent, by timely accommodation, the fatal consequences of a general rupture. Both houses, though the opposition clamoured loudly upon the absurdity of promising to support measures with which they were unacquainted, in their addresses promised to support him in all his engagements.

Petitions having been presented to the house of commons

† Acts of Assembly, 1730.

representing the delay of justice, from the proceedings in courts of law being conducted exclusively in the Latin language, a bill was brought in for changing the practice, and allowing every man to plead or write his cause in plain English. Reasonable as this proposal was, it met with the keenest opposition, and from the suppression of a barbarous jargon, which had for ages been the disgrace of the profession, and an outrage upon common sense, nothing less was predicted than the loss of all that was contained in ancient records, the extinction of law, and the universal triumphs of ignorance and injustice. The measure, however, was, though with difficulty, carried, and the very reverse of these melancholy anticipations has been the effect. Law has become a more honourable and a more lucrative profession, knowledge has been greatly extended, and the stream of justice has every day since been becoming more pure.

Notwithstanding the late treaty with Spain, and the promises of restitution, &c. with which the nation had been so lately amused, that people still continued the same system of insult and depredation; and complaints, petitions, and remonstrances, poured in upon the parliament from all quarters of the empire. These complaints were referred to a select committee, and being found to be but too well founded, an address was presented to his majesty, praying that he would be graciously pleased to continue his endeavours to procure restitution for the damages already sustained, and especially to prevent such depredations for the future, otherwise British subjects could not be said to enjoy the full and uninterrupted exercise of their trade and navigation, even with their own colonies.

The exclusion of pensioners from the house of commons, the national debt, &c. continued through the session to be fruitful topics of debate, tending to divide and to agitate the nation, without producing any direct result. The session was closed on the seventh of May, his majesty informing them at the same time, that every apprehension of war had vanished, a treaty having been happily signed at Vienna, between him and the emperor, which had been communicated to the courts of France and Spain, as parties to the treaty of Seville, the due execution of which it principally regarded. The engagements into which he had entered on this occasion, he remarked were

all strictly agreeable to that necessary concern, which the British nation behoved at all times to take in preserving the balance of power, as a mean of securing the tranquillity of Europe.*

The General Assembly of the church of Scotland, according to previous appointment, convened at Edinburgh, May the sixth, 1731. The Rev. James Smith, one of the ministers of Edinburgh, was chosen moderator. Hugh, earl of Loudon, being commissioner. The business of the assembly, for some time past, had very much devolved upon the commission, riding committees, &c. &c. and the high hand with which many harsh decrees, particularly with regard to the settling of vacant churches, had been by these commissions, committees, &c. carried into effect, had created an universal ferment through the country. This tyrannical exercise of power was odious to the body of the people, and was strenuously opposed by the most popular of the clergy, so that some measure had become necessary for quieting the minds of the people, and preserving the respectability of the church. For this purpose, it was overtured at this assembly, that in all cases where the planting of parishes devolved upon presbyteries, they should proceed upon the call of the heritors, being protestants, and the elders. This overture was transmitted to presbyteries, that they might return their opinion to the next assembly, whether it should be turned into a standing act, presbyteries in the meantime being enjoined to observe it. "And in case presbyteries shall neglect to send up their opinion upon it, the General Assembly do appoint the overture to be laid before the next General Assembly, to be passed into a standing act or not, as they see cause."†

A petition from some brethren of the synod of Perth, and members from the synod of Angus, the presbyteries of St. Andrews, Dunfermline, Aberdeen, Kincardine, Ellon, and Aberlour, was presented to this assembly, craving, that a warning might be emitted against errors in doctrine, and the growth of infidelity, which was referred to the commission.‡

Parliament was again assembled on the thirteenth day of

* History of England, &c.

† Acts of Assembly, 1731.

‡ Unprinted Acts of Assembly, 1731.

January, 1732, when his majesty assured both houses, that the tranquillity of Europe was completely established by the late treaty of Vienna. He remarked to the commons, that the estimates for the current year, would be considerably less than those of some former years, and he recommended cool discussion and unanimity in all their proceedings. His government, he observed, had no security but in what was equally conducive to their happiness, and to the protection of his people, nor had their prosperity any foundation, but in the defence and support of his government.

Like the last, this session was fruitful in little but debates, ending in nothing. A third attempt was made this session to exclude pensioners from the house of commons, but the bill was again rejected by the lords. No less than five members of the house were, during this session, expelled for acts of the most sordid knavery, which, by the moralists of that day, was considered as a striking proof of national degeneracy, and the sure indication of approaching ruin. The session was closed on the first of June, and his majesty set out for Hanover, leaving the queen regent in his absence.

The General Assembly of the church of Scotland, was convened at Edinburgh on the fourth of May, 1732, the Rev. Niel Campbell, principal of the college of Glasgow, moderator, and William, marquis of Lothian, commissioner. For several years there had been a great and growing dissatisfaction among both ministers and members of the Scottish church, which had occasioned many remonstrances, dissents, and protestations in the assemblies, commissions, and inferior judicatories. These, however, had produced no other effect but a tyrannical act, forbidding them to be on any account recorded. A paper had been given in to the assembly, 1731, complaining especially of violent settlements, but it was refused a hearing; which induced a number of ministers to draw up a representation and petition to this assembly, requesting that something might be done to stem the tide of innovation that was threatening to subvert the very foundations of the Scottish church. This representation, though it was respectfully and formally presented and signed by forty-two ministers, met with no better reception than those that had preceded it, it was not so much as allowed

a hearing.* So far was this assembly from listening to the groans of an afflicted people, that they dismissed the complaints, against the settlement of Mr. Stark at Kinross, one of the most scandalous intrusions that ever was made on a christian con-

* Unto the very reverend, &c.—The representation and petition of the ministers and elders under subscribing,

Humbly sheweth,

That we being much weighted and aggrieved with several things in the present state of our mother-church of Scotland, and having for some time longed and looked for redress, (for which the ordinary means have been used without success,) and now with deep concern, observing, that instead of obtaining redress, our grievances are increasing daily; we find ourselves obliged, in duty to God and his church, and for our own exoneration, to lay before this venerable assembly the following grievances, with such remedies as occur to us, humbly begging you may be pleased to take the same into serious consideration, and give such orders thereanent, as in your great wisdom shall be found most proper for redress thereof.

1^{mo}. Whereas several grievous encroachments have been made on the legal rights of this church, and contrair to our known principles, since the Union of the two kingdoms, specially towards the latter end of queen Anne's reign, thro' the influence of persons, no less disaffected to the protestant succession than to the church of Scotland; particularly (1^{mo}.) by imposing the sacramental test, and conformity to the hierarchy, liturgy, and ceremonies of the church of England, upon the members of this church, while serving her majesty in England or Ireland. 2^{do}. By establishing an almost boundless toleration in Scotland, whereby error, superstition, and profaneness, are much encouraged, and the discipline of this church greatly weakened, by withdrawing the concurrence of the civil magistrate. 3^{do}. By restoring the justly abrogated right of presentation to patrons, subversive of the right of election belonging to Christian congregations by the word of God, and the constitutions of this church. 4^{to}. That addresses from this church, offered in queen Anne's reign to the house of peers, were not received, because not directed to the lords spirituall; which not being agreeable to our known principles and reserved rights, will, if insisted on, preclude the judicatories and members of this church from addressing that honourable house, even on the most pressing occasions. 5^{to}. The form of swearing introduced from England into some courts in Scotland, by laying their hands upon, and kissing the gospels; which is an innovation in that solemn piece of worship, and not agreeable to the scripture pattern, but superstitious, and justly offensive. Now, altho' several presbyteries and synods especially after king George the First, his happy accession to the throne) have, by their instructions, often desired, that the General Assembly might address his majesty and parliament for redress of these and other grievances, yet ever since that happy period, this has been delayed, to the great prejudice of this church, as we apprehend. 'Tis true, indeed, the General Assembly, 1715, did approve of a memorial prepared by the commis-

gregation, commanded the presbytery of Dunfermline to enrol him as one of their number, and discharged any one of them to admit the parishioners of that parish to church fellowship, without a line from Mr. Stark, though they had declared him

sion of the preceding assembly, representing several of the above-mentioned grievances, and appointed it to be sent to the secretary of state; they have also addressed the king on other heads, and have frequently transmitted congratulatory addresses; but it doth not appear that ever any address has been sent by the assemblies of this church, either to our present gracious sovereign, or his royal father of blessed memory, for redressing the foresaid grievances; nor has any petitions thereanent been offered to the parliament during all that period, altho' it is evident, that most of the above grievances cannot be removed without the parliament. We therefore humbly move, that the venerable assembly may be pleased to prepare such addresses and petitions to the king and parliament on the foresaid heads, and also against that heavy grievance of popery, which still continues, as you shall judge most proper, for obtaining redress; and appoint fit persons to present and prosecute the same, in the name of this national church, not leaving it to the commission. As this appears necessary for the exoneration of this church, so we are hopeful it will not fail of the desired success, when we have such a gracious sovereign upon the throne, who has solemnly engaged inviolably to maintain and preserve the settlement of the true protestant religion, with the government, worship, discipline, rights, and privileges of the church of Scotland, as established by the laws made there, in prosecution of the claim of right. And particularly by an act, intituled, Act for securing the protestant religion, and presbyterian church government; and by the acts past in the parliaments of both kingdoms, for Union of the two kingdoms; and likewise when this present parliament is far more friendly than that, which in the latter end of queen Anne's reign, brought upon this church some of these grievances under which she presently groans; and that this our desire is agreeable to law, appears from the claim of right, which allows private persons, much more the established church, humbly to petition the king and parliament, for repealing of such laws as are grievous to them, and prejudicial to their just rights.

2^{do}. Altho' this church, (through the mercy of God) has been famous for purity of doctrine ever since the reformation; yet gross and dangerous errors have been lately vented therein, and that by a professor of divinity, Mr. John Simson, in teaching his students, as has been found evidently proven by the General Assemblies 1727, 1728, in the following articles: 1^{mo}. The professor's denying the necessary existence of our Lord Jesus Christ, in teaching his students. 2^{do}. His teaching his scholars, that the necessary existence of our Lord Jesus Christ, was a thing we know not. 3^{tho}. His teaching, that the term *necessary existence* was impertinent, and not to be used in talking of the Trinity. 4^{tho}. His teaching, as his own opinion, that the three persons of the Trinity are not to be said to be numerically one, in substance or essence. 5^{tho}. His teaching, that the terms *necessary existence*, *supreme Deity*, and the

to be thrust upon both parish and presbytery without any proper authority but the tyrannical exertion of power; and upon a motion for marking a dissent, and protestations offered against their decision, the clerk was prohibited from entering

title of *the only true God*, may be taken, and are by some authors taken, in a sense that includes the personal property of the Father, and so not belonging to the Son; and that, tho' he said, that *necessary existence, supreme Deity*; and the title of *the only true God*, might belong to the Son, in such a sense as included not the personal property of the Father; yet he told not what that sense was, but without doing so, he inculcated the foresaid distinction, as a caution that might be necessary for students, in reading both ancient and modern authors, whether friends or adversaries to the truth: for which errors he stands censured by the General Assembly, tho' not to that degree which most presbyteries by their instructions, and many members of assembly, judged he deserved; with whom we concur in our sentiments. And it being also evident, from the printed report of the assembly's committee for purity of doctrine, that the said professor Simson has contravened the act of assembly, 1717, and taught the opinions and hypotheses thereby discharged to be vented: yea, several dangerous errors contained in the second libel drawn up against him, tried and found proven by the said committee; and it is to be feared, that many of the students and others may be too far infected with his errors. We therefore, upon the whole, beg leave humbly to move, that a solemn warning may be emitted by this assembly against his errors, and others, which too many in this land may be tainted with, and in danger of, by points spread therein, contrary to the word of God, our excellent Confession of Faith, and solemn engagements.

3tio. It being the undeniable right of Christian congregations to have the free choice of their own pastors, and their call and consent being necessary to found the pastoral relation betwixt gospel ministers and such congregations, according to the word of God, books of discipline, acts of the General Assembly, and the concurring suffrages and unanswerable arguments of the most eminent divines, both at home and abroad, whose writings are well known to this venerable assembly. It is therefore a heavy grievance to us, and to many mo of the Lord's servants and people through the land, to see and hear of the open encroachments made on the church's just rights, especially by imposing and forcing in ministers on several Christian congregations, not only without their call, but in direct opposition to their declared mind, and strongest remonstrances, and so *dissentiente et renitente ecclesia*; and that (not to mention what has been done in some inferior courts) even by sentences of the commissions of the General Assembly, not only where presentations were insisted on, but also where the right was fallen into the hands of presbyteries and that without the consent and against the mind of presbyteries, or synods immediately concerned, as is notour in the late cases of Hutton, Balphron, West-Kirk, and Kinross, and several other instances which we forbear to mention. But we beg leave to add, that such proceedings appear to

any such dissents or protestations on the records of assembly.*

Still farther to aggravate the feelings of a people already driven to distraction, this assembly proceeded to enact the

as highly prejudicial to the just rights of Christian congregations, and radical judicatories, and inconsistent with the professed principles of this church; yea, with the limited commissions and instructions given by General Assemblies to their commissions; and of dangerous consequence, not only in the cases specified, but in many others, seeing they may be improved as precedents, and have too visible a tendency to grieve many of God's people, alienate their affections, cause divisions, pave the way for introducing in all corners of the land, a ministry utterly unacceptable, and so not fit to edify and rule the flock of Christ, and to wreath the heavy yoke of patronage about the church's neck, and strengthen the hands of enemies, who may design to model the church, according to their own mind, and bring in a corrupt, time-serving ministry into it, to serve their carnal political interests, and to ruin the covenanted work of reformation, mercifully established in this church. And indeed, such settlements, contrary to the mind of Christian congregations, are the more offensive, when it is remembered, that the intrusion of ministers on congregations was one of the heavy grievances justly complained of, under prelatical persecution; and that the convention of estates and parliament, at the happy revolution, expressed so great regard to the inclinations of the people, in abolishing prelacy, and settling presbyterian church government, and also in their acts anent calling of ministers to vacant churches, and abolishing the patron's right of presentation subversive of the people's just right of election; wherefore we humbly beg this venerable assembly may seriously consider the premises, and disapprove, yea, repeal such of these deeds as may come regularly before them; and with all due respect to heritors well affected to church and state, discharge in time coming, all settlements of vacant congregations, without the call and consent of the elders and Christian people thereof; and apply timely such other remedies, for the cure of the dangerous maladies above pointed at, as in their great wisdom shall be judged most proper and effectual.

440. Whereas, of late, some settlements have been ordered on calls not supervised or sustained by presbyteries, yea, and some attested only by notars publick, and the commission has appointed committees to try and ordain ministers for vacant congregations, not only without the concurrence and consent of presbyteries and synods concerned, who have best right, and are fittest to judge therein, but in direct opposition to their mind; and that in such haste, as to prevent remedy by the ensuing assembly's just decision, in causes coming regularly before them, by protestation and complaint of parties; it is therefore humbly moved, for preventing the like evils, that the General Assembly declare and enact, that no call shall be sustained, but that which is moderated in, and attested by orders of presbyteries; nor subscriptions admitted, but those made

* Index to Unprinted Acts of Assembly, 1732.

overture of last year, which had awakened so many apprehensions into a standing law of the church in manner as follows:—"The General Assembly taking to their serious consideration how necessary it is, that until it shall please God in

or verified by the subscribers before the ministers appointed to moderate, or the presbytery itself. And that, if commissions or synods in time coming shall appoint committees or correspondents, to try or ordain ministers without consent of the congregations and radical courts immediately concerned, the said committees or correspondents shall be discharged to proceed, till the assembly give their judgment, in case the causes are sisted before the assembly by complaint or appeal.

5to. It being evident from the printed index of the acts of Assembly, 1734, that it was referred to the commission to consider what is proper to be done as to ministers or probationers, who shew a willingness to accept of presentations from patrons, and to propose an overture hereupon to the next assembly; and nothing having been yet done herein, tho' that grievance not only continues, but increases; and the good effect of the amendment made in the patronage act, anno 1719, is like to be totally defeated, by ministers and probationers their accepting presentations (contrary to our known principles) without calls from vacant congregations, yea, long before any meetings were appointed for chusing and calling pastors; and some judicatories who have testified their just displeasure against presentees for their said unworthy and offensive practice, instead of being supported (as might have been expected) were condemned by the commission: it is therefore earnestly desired, that the General Assembly may seasonably interpose, in the way they shall judge most proper, to give an effectual check to such dangerous practices of ministers and probationers of this church, and that none be licensed or ordained that favour this course.

6to. Concerning the seventh Act of Assembly, 1750, discharging the recording reasons of dissent against the determinations of church judicatories; as several presbyteries and synods did, by their instructions strongly remonstrate against it, and craved it might be repealed last assembly, so we find ourselves obliged here to represent, that the said act appears to us inconsistent with the Act of Assembly 1644, concerning dissenting voices, appointing dissenters to urge, their dissents be marked in the registers; and if that be refused, that they protest, &c. For as reasons are a necessary part of dissents to be recorded therewith, so this act 1644, seems plainly to require dissents with their reasons to be recorded; seeing the dissents warranted thereby, are such as may evidence the determinations dissented from, to be contrary to the word of God, Acts of Assembly, or received order of this kirk; especially, while it is declared in the said act, that the dissenters shall be censurable, if their dissents shall be found otherwise: Wherefore, the reasons they judge necessary to justify their dissents, according to that act, and to secure them against censure, must be recorded therewith, that superior judicatories may be capable to judge from the register itself, if the dissents be according to

his providence to relieve this church from the grievances arising from the act restoring patronages, there should be an established rule for the planting of vacant parishes, when the right of doing so falls into the hands of presbyteries, either *tanquam jure*

that act, and whether the dissenters be censurable or not: yea, it is most just and reasonable, useful and necessary in many respects, that dissents with their reasons should stand recorded, as testimonies against the determinations which appear unwarrantable and of dangerous consequence. And that this has been the common sense of the church of Scotland, further appears from many dissents entered in the registers of the several judicatories of this church, both in the days of our happy ancestors, and since the happy revolution; and 'tis so agreeable to the common sense of mankind, that the recording dissents with reasons, has been generally allowed in judicatories, not only ecclesiastick, but civil; yea, in the high court of parliament itself. And we beg leave further to represent, that the Act of Assembly complained of, was passed very irregularly; yea, in a direct contradiction to two Acts of Assembly, regulating the manner in which standing Acts are to be passed; viz. the 9th Act of Assembly, 1697, appointing, that before any General Assembly of this church shall pass any acts which are to be standing rules and constitutions to the church, they may be remitted as overtures to the consideration of the several presbyteries, and their opinion and consent be reported by their commissioners to the next assembly, that they may pass the same into acts, if the more general opinion of the church agree thereto; and also the sixteenth Act of Assembly, 1700, enacting and appointing, that, when any thing of public concern and great weight is proposed to the General Assembly to be passed as overtures or Acts, for a standing rule to the church, after the first reading it be delayed until the next day of the assembly's sitting, and ly on the table to be seen and considered by all the members. But it is undeniable, this act complained of, (though of very publick concern and great weight) was passed without consulting presbyteries, and in the very sederunt wherein it was first proposed, and that without voting; yea, so quietly and suddenly, that several members present in the house knew not of it till the assembly was up; and to conclude this head, we beg leave to add, that the depriving all the ministers and elders of this church at once, of liberty in all time coming, of entering their dissents with the reasons thereof, in the church's records, even upon the most urgent occasions; a privilege belonging to them by the light of nature, the Word of God, Acts of Assembly, and immemorial custom; and doing this so summarily and irregularly, at a time wherein the present state and threatening aspect of affairs in our church, renders the maintenance and exercise of this privilege more necessary and seasonable than at any time before, since the happy revolution. This, in our opinion, has a very bad appearance, and must prove a heavy and insupportable grievance to many, if it be not speedily redressed. Wherefore, we earnestly entreat this venerable assembly may be pleased to repeal the said act, and restore the office-bearers in this church to their just and ancient privilege.

devoluto, or by the consent of such as have interest, and that there may be an uniform method followed by presbyteries in this matter; and so the unhappy debates and divisions which have often fallen out upon such occasions, may be prevented in

7mo. The commission of late having repealed several sentences of synods, even when they had but a scrimp quorum of ministers, very much inferior to the number of those who judged in the said sentences; and it being evidently disagreeable to presbyterian principles and parity, that a greater number of ministers and elders should be subjected to the judgment and authority of a lesser, (not to mention other reasons) 'tis humbly moved that appeals from the sentences of provincial synods, be not referred in time coming to the determination of the commission, but reserved for the assembly's decision, unless it be provided, that the commission's sederunt exceed the number of the synod's, in ministers as well as elders, when they judge thereanent.

8vo. Whereas the members of the commission, when complained of to the General Assembly for sentences which appear most unwarrantable and grievous, usually plead that the commission being empowered finally to determine in the matters committed to them, their sentences cannot be repealed; which plea, to the great prejudice of the church, and offence of many, has frequently served as the grand mean to obstruct the opening and repealing sentences, contrary to the known principles, constitutions, and true interest of this church. A particular interest whereof we have in the settlement of Hutton, loudly complained of by parties, and dissented from, first by some members of commission, and thereafter by several members of the succeeding assembly. And the General Assembly having in their acts appointing the commission, expressly provided and declared, that in all their actings, they are to proceed according to the acts and constitutions of the church, and do nothing contrary thereto, or to the prejudice thereof; 'tis therefore humbly moved, that the General Assembly may declare and enact when ensuing commissions are appointed, that if any of their actings shall be found contrary to the actings, constitutions, or known principles of this church or prejudicial thereunto, not only the members shall be condignly censured, but their said acts shall be repealed, and declared void and null, as being beyond their powers, and contrary to their commissions and instructions. And for cutting off their pretended plea against repealing the commission's sentences, wherein parties have interest, it be further declared and enacted, that if any protestation or complaint be entered against any of their sentences, it shall be as effectual to summon and sist parties before the ensuing assembly, as an appeal from a sentence of a synod is.

9mo. Whereas the commission of the assembly has a great trust, and the decision of the most important affairs is frequently committed to them, and very much depends on the part they act; and that this court, if not duly regulated, limited, and looked to, may do great hurt to this church, (of which sad proofs are extant in the history of former times) several things concurring in the constitutions thereof to render it dangerous, such as, the great distance of the body of ministers named in the commission from the fixed place of

time coming, and also that it may be evident that this church desires to have all the parishes in it settled in such a manner as may give reasonable satisfaction to all concerned: therefore enacts and ordains, that all presbyteries, when the planting of

meeting, the smallness of the quorum of ministers, being but twenty-one; the great number of elders in the commission never brought under the strict engagements required of ministers in the Formula, 1711, (as is evident from the 4th Act of Assembly, 1720) and for most part residing at Edinburgh, yea, constant members; as also, that the sentences of the commission are looked on as final, and deeds of the assemblies, and when complained of, it is usually pled they are irreversible; and therefore the General Assembly has, in great wisdom, and most justly, not only clogged their commission and instructions with several limitations since the revolution, but also passed several acts requiring the diligent attendance of ministers from the several presbyteries; and for further regulating, limiting, and trying the proceedings of the commission, and anent the qualifications of the members thereof; yet, notwithstanding all these precautions, it must be acknowledged they have been found guilty of malversation in several instances, especially of late; yea, the last commission seems to us herein to have outdone former commissions, particularly in the cases above mentioned; wherefore, it is humbly moved that these acts already made, may be strictly executed, and that further necessary provisions may be added thereto, for remedying and preventing the grievances arising, and threatened by the exceptionable proceedings of this court; as 1^{mo}, that the 6th Act of Assembly, 1703, appointing, that the whole presbyteries within this national church, be equally represented in commissions, and that their representation be proportioned to the number of ministers in each presbytery, be more punctually observed in time coming, and that in reference to elders as well as ministers; which is the more necessary, because it appears from the acts nominating the commission for the years 1729, 1730, and 1731, (not to go further back) that the elders exceed their full proportion, allowing them one to two ministers, (whereas, by the 5th Act of Assembly, 1694, they are allowed but one to three) viz. in the number of sixteen, anno 1729, seventeen, anno 1730, and twenty-three, anno 1731, *salvo justo calculo*, and it will not be denied, that there is, at least, as great hazard from supernumerary elders, as ministers in the commission, especially, seeing so great a body of them reside at Edinburgh, where the commission meets, and so might easily overpower ministers if so disposed, which yet we hope they are not. 2^{do}. That the 6th Act of Assembly, 1719, appointing that all members of subsequent commissions be qualified according to Acts of Assembly, particularly the 9th Act of Assembly, 1718, before they act and vote as such, be daly observed; and the General Assembly, 1722, in their ninth act, expressly requiring elders to be faithful in the discharge of their office, tender and circumspect in their walk, punctual in their attendance upon ordinances, strict in their observation of the Lord's day, and in regularly keeping up the worship of God in their families, and appointing the judicatories of the church to take good heed that none be

any parish shall fall into their hands *tamquam jure devotuto*, take care to have the same supplied by a well qualified gospel minister to labour among the people for their spiritual edification, and in order thereunto, when application shall be made

admitted to, or continued in that office, but such as are found qualified, and do behave themselves as above required. And the General Assembly, 1727, in their 7th Act, finding that the Acts of Assembly, made with respect to the duties and qualifications of elders, are not so duly observed as they ought to be, do therefore enjoin the several presbyteries of the church to have strict regard to what is required as to the duties and qualifications of elders by the said 9th Act of Assembly, 1722, especially in choosing elders to represent them in General Assemblies, and in attesting the commissions of such as are chosen, either by themselves, by universities, or by royal burghs: it is therefore highly necessary, and much for the glory of God, the true interest, safety, and edification of the church, that special regard should be shown to these excellent qualifications and acts in choosing elders, not only for the General Assembly, but for its commissioners; and that such as are known to be destitute thereof, should be excluded from that honour and trust which seems more especially necessary, as to the elders in the commission, they being chosen and authorised by the assembly itself, and, if not duly qualified, more capable to do hurt in the commission than in the assembly. 3^{do}. That elders, as well as ministers, be required and obliged to subscribe the Formula of Assembly, 1711, particularly such as are chosen members of the General Assembly or its commissions; there being evidently parity of reason and necessity, that elders should come under the same engagements to the doctrine, worship, discipline, and government of this church, which are required of ministers; especially while it is known that some of our elders conformed to the English hierarchy and liturgy, and others discover too much latitude, and yet are chosen members of assembly and commissions. 4^{to}. That when the members of the commission are named, and their instructions prepared by the committee, the same be appointed to be read in open assembly, and ordered to ly on the table, at least, until the next day of the Assembly's meeting, to be inspected and considered by all members who incline, that it may be the better known, that the nomination and instructions are conformed to the Acts of Assembly, and fit to be voted and approved, when read for that end, after a competent time allowed for the satisfaction of all concerned. 5^{to}. That the moderator of the General Assembly, being a member of the commission, should be excused from naming the committee appointed for revising the commission book; and that the nomination thereof should be left to the members of assembly in each synod, who were not on the commission, and who may meet by themselves, and choose one or two out of every synod to be a committee for that effect, as is done in choosing nominators for the commission.

10^{mo}. Altho' the liberty and independent jurisdiction of ecclesiastical or civil courts has ever since the reformation been asserted and maintained in this church on the clearest scriptural grounds, and has been asserted to her by

unto them by any two or more of the heritors, jointly, or separately, for the moderation of a call, the presbytery shall appoint intimation to be made from the pulpit of the vacant parish, ten free days before the meeting for that effect, that a call is to

the laws of the land; yet, of late, this has been manifestly invaded and encroached upon by several sists procured from civil judges and offered to presbyteries when proceeding regularly in the course of ecclesiastical processes; and that without seeking or waiting for redress from synods or assemblies of any injuries which parties might apprehend to be done to them by the said presbyteries; which practices appear very unwarrantable and offensive, discouraging, and prejudicial to this church, and may serve, if submitted to, as dangerous precedents, subversive of the liberties and jurisdiction of our ecclesiastical courts, and tending to subject the same to the civil; wherefore we humbly move, this venerable assembly may timeously interpose, in the way they shall judge most proper and effectual, to maintain the church's rights, to procure redress of such encroachments, and to prevent the like in time coming.

11mo. The General Assembly, 1726, having remitted to their commission an overture anent the method of preaching, to be considered at their first meeting; and if they had not then time, appointing them to remit it to a select committee, to be by them prepared and laid before their meeting in August: and the assembly, 1727, having remitted it to the commission to prepare the said overture for the next assembly; and this not being done, altho' there appears more and more need for it every day, by reason of several innovations, both in the method and strain of preaching, introduced of late by some preachers and young ministers, very offensive to many of God's people, and no small obstruction of spiritual edification. Yea, a young minister, appointed to preach before his majesty's commissioner to the last assembly, had the assurance, even on that solemn occasion, to add to former innovations that of reading his sermon openly, tho' he could not but know it would give great offence both to ministers and people of this church, and bring a reflection on the assembly, as if they approved thereof. Wherefore we humbly move this venerable assembly may be pleased to call for the said overture from the commission, and to prepare it, so as it may prove a suitable and seasonable antidote against the evils observed, and transmit it to the several presbyteries according to order, that it may be turned into an act by the next assembly, if agreed to.

12mo. As to the overture and act of the last assembly concerning the method of planting vacant churches; altho' we account it a considerable grievance (however well intended), not only because of several sentences of the commission and some other courts, for settling vacant churches contrary to the mind of elders and christian congregations, and so in opposition to the church, both representative and collective, which have followed, and are said to be founded thereon; but also for many other weighty reasons against the act and overture itself, which appear pretty obvious, and the visible dangerous tendency thereof in the present state of this church, especially if it should be

be moderated, and shall appoint one or more of their number, who, after sermon, shall meet with the heritors and elders of the vacant parish, in presence of the congregation, upon the day for the moderation, to moderate in a call to one to be

turned into a standing act; yet, considering that this representation has already swelled beyond our inclination, which we could not well avoid, by reason of the variety and great importance of the matters therein contained, and that this overture is transmitted to the several presbyteries, that they may return their opinions thereunto to this assembly, who we doubt not will lay open what is to be objected against it to better purpose, and more effectually than we can pretend to, and seeing, according to the 9th Act of Assembly, 1697, establishing the method of passing Acts of Assembly of general concern to the church, the said overture cannot be turned into a standing act, until it appear by the report made from the several presbyteries that the general opinion of the church agrees thereunto, which we hope is not to be expected in this case; we judge it unnecessary to take up the assembly's time in representing particularly what we have to offer against this overture, and the turning it into a standing act. Only we cannot omit declaring on this occasion, that we humbly conceive, by this overture, heritors, tho' not of our communion, but avowed enemies to our constitution, and to the government of our only rightful and lawful sovereign king George, and protestant succession in his royal family, and favourers of a popish pretender, will have a chief hand in settling many congregations in Scotland; and that the said overture appears to us not to be founded on the holy scriptures, nor consistent with the constitution and known principles of this church agreeable thereto. But to conclude, as this our representation does not proceed from any design in us to cause or increase differences in this church, nor to offend any one whose sentiments may differ from ours, but from conscience of duty, as we have the honour to bear office in the church of Scotland, and our being deeply affected with what is above represented, as appearing to us highly prejudicial to the true interest thereof, yea, contrary to our known principles and constitution, to which we are bound stedfastly to adhere, by the word of God, our solemn national covenants, and the special engagements we came under at our ordination to our respective offices: so we earnestly entreat and hope this venerable assembly, which has the chief trust anent the concerns of this church, and is most capable under God to redress her grievances, will construct and accept favourably of this our humble representation and petition, and take such measures as the Lord, in his mercy and wisdom, shall be pleased to direct unto, for answering the ends thereof, and remedying, not only the grievances above represented, but also any others you may know the church groans under, even in the remotest corners of this land; for which end we desire earnestly to pray to the only King and Head of the church, the great God our Saviour, for the plentiful effusion and promised conduct of his Holy Spirit to this assembly: waiting humbly for your favourable answer,

minister of the parish, who is to be elected and called by the heritors and elders in a conjunct meeting. That after the finishing of the election, the person so elected to be minister, shall be proposed to the congregation, to be either approved or disapproved of by them. That the disapprovers shall offer their reasons to the presbytery of the bounds, at whose judgment, and by whose determination, the calling and entry of the minister shall be ordered and concluded according to the rules of this church. That in case of vacancies in royal boroughs, the election or call shall be by the magistrates, town council, and elders, in a joint meeting, where there is no landward parish, and by the magistrates, town council, heritors, and elders, in a joint meeting, where part of the parish is to landward. And the General Assembly declares, that all heritors,

which, if obtained, will cause in us, yea, many more of the Lord's servants and people, abundant joy and thanksgiving on your account.

The above representation and petition was signed at Perth, February 23, 1732, by

George Gillespie, minister at Strathmiglo,	John Gibb, minister at Clish,
George Freer, minister at Lethendie,	James Kerr, minister at Dun,
John Drummond, minister at Crieff,	James Fisher, minister at Kinclaven,
John Currie, minister at Kinlassie,	John Gow, minister at Cargil,
Robert Laing, minister at Newburgh,	Thomas Nairne, minister at Abbotshall,
Robert Gray, minister at Brechin,	John Row, minister at Navar and Lethnot,
George Meik, minister at Redgortoun,	Alexr. Moncrieff, minister at Abernethie,
La. M'Intosh, minister at Errol,	Thomas Mair, minister at Orwell,
William Wilson, minister at Perth,	Robert Coventrie, minister at Kilspindie.

And at Edinburgh, March 9th, year foresaid, and the other places and dates mentioned in the original paper, by

John M'Claren, minister at Edinburgh,	Alexander Hamilton, minister at Stirling,
John Bonar, minister at Torphichen,	Charles Moor, minister there,
Ralph Erskine, minister at Dunfermline,	William Hally, minister at Muthil,
John Wardlaw, minister there,	David Stevenson, minister at Glendevan,
James Farquhar, minister at Nigg,	John Johnston, minister at Brechin,
Ebenezer Erskine, minister at Stirling,	James Goodsir, minister at Monikie,
John Forbes, minister at Deer,	Andrew Eliot, minister at Auchtertool,
Gabriel Wilson, minister at Maxton,	James Thomson, minister at Burntisland,
William Henderson, minister at Dalgety,	Alexander Swinton of Strathore, elder,
Thomas Thomson, minister at Auchtermuchty,	Thomas Trotter, elder,
	William Walker, elder.

This representation and petition was afterwards adhered to by

James Noble, minister at Eckford,	James Innes, minister at Mertoun,
George Mair, minister at New Deer,	Henry Davidson, minister at Galsahiel,
John Cranston, minister at Ancrum,	Walter Hart, minister at Buncle.

being protestants, who shall be willing to subscribe the call by themselves, or their lawful proxies, or, who shall, by a writing under their hand, invite the person called, to be minister of the parish, and to exercise the duties of his ministerial function, and promise to encourage him in it, shall be admitted to vote in calls or elections of ministers to vacant parishes. And that no vote, either of heritors or elders, shall be sustained, except such as shall have either signed the call, or for whom there shall be produced a writing in the manner, and to the purpose above mentioned, in presence of the minister moderating in the call. And in case of difference among the heritors and elders, about the person to be elected, the minister moderating is appointed to reduce what shall be alleged on both sides into a minute, containing the true matters of fact impartially, and to lay the same before the presbytery for their decision. And in case no application shall be made to the presbytery in manner foresaid, by the heritors or elders, for moderating a call within six months after the *jus devolutum* begins to take place, the General Assembly recommends it to presbyteries, to plant vacant churches in such manner as shall contribute most to the advancement of religion, and to the peace and comfort of parishes.

“And that there may be no unnecessary delays in planting of churches, the assembly further ordains, that in case within the six months next after the vacancy, such as have interest shall show their disposition to comply with this ecclesiastical rule, by applying to the presbytery to have the parish planted in the way and manner above specified, the presbytery shall proceed to the settlement thereof in the foresaid way and manner, without putting it off till the said six months are expired. And the General Assembly recommends it to all ministers, preachers, and members of this church, to take care that they do not encourage, nor go into any method for planting vacant churches contrary to, or inconsistent with this act.”*

This act was certainly an innovation upon both the law and the practice of the Scottish church. It was an innovation upon the law, for the overture had not been regularly returned

through presbyteries in terms of the barrier act;* and it was an innovation upon the church's practice, which, from the very dawn of the reformation, had contended in theory for the rights of the christian people, and secured it in practice, as far as it was possible, under the sufferings to which she had been subjected by the tyrannical misrule of foolish kings and narrow-minded prelates. It has often been stated that this act was not different from the act of 1690, though it was framed for the purpose of annihilating the little liberty, which, to the disquietude of the leaders of that day, was still, in consequence of the act 1690, in the hands of the people. The following comparison betwixt the two acts, that of 1690 and 1732, is from the pen of a well known writer, who was certainly inimical to any thing like a separation from the church, though he had too much piety and good sense not to see the native tendency of the public managements of that time:—

* *First*, The act 1690 is by a civil court, the act 1732 by an ecclesiastical; and though it might be expected that the latter would in their acts keep closer to the rule of the word than the former, yet the act 1732 is more distant from that rule than the act 1690; in regard, the act 1732 tends more to spoil congregations of their rights, and countenance intrusions upon them, than the act 1690 doth. *Secondly*, By the act 1690, the heritors and elders are only empowered to name and propose a person to the whole congregation; but by the act 1732, they are empowered to elect and call one to be minister of the parish. *Third*, According to act 1690, the election was not to be held as finished, until the man was proposed to the congregation, and their approbation had, and if they disapproved, the affair was to stop as unfinished until the presbytery gave their judgment whether to proceed further in it or not; but the act 1732 holds the election as finished by the votes of the heritors and elders, and the man to be legally elected, and called to be minister of the parish, before the consent of the people be asked. *Fourthly*, By the act 1690, and another soon after

* Eighteen presbyteries had returned no opinion regarding it; eighteen were for it, twelve of them requiring material alterations, and thirty-one were absolutely against it.

passed to explain it, all unqualified or *disaffected heritors* were excluded from voting; but by act 1732, all *heritors* whatsoever, whether hearers or not, were allowed to vote, if they were not professed papists. So that in many parishes where the *disaffected heritors* were supernumerary to the others, they had power to thrust in a minister upon a well-affected congregation. *Fifthly*, For what appears from the words of the act 1690, the *heritors* and *elders* might have acted as distinct bodies in the nomination, and the one might have had a negative upon the other therein, and so the heritors' nomination could not be valid, without the concurrence of the body of the elders, for by the act, the man was to be named by the elders as well as by the heritors; but by the act 1732, it was expressly provided, that the heritors and elders should elect in a conjunct body, so that considering the superior number and influence of heritors in most places, ministers might be chosen where the eldership and whole body of the congregation reclaimed, as frequently has happened. *Sixthly*, The act 1690, and the act 1732, differed prodigiously as to the sense and meaning put upon the words thereof; the execution of the act 1690, being entrusted to presbyteries, the sense they then put upon the *approbation* of the congregation, and the reasons of the *disapprovers*, was far from the late sense put upon them. By their approbation, the church then understood their judgment concerning the candidate's gifts of preaching and prayer, that they judged them suitable to their capacities, and adapted to their edification; and if the body of the congregation disapproved the man nominate, and gave for their reasons, that his gifts were not edifying to them, nor suited to their capacities, and that they could not in conscience consent to his being their minister, such reasons, given by a knowing well-disposed people, were then judged sufficient to stop the affair, lay aside competing candidates, and to proceed to a new election. But by the sense put upon the act 1732, no reasons or objections could be received but against the man's life or doctrine; and if the people did not prove error or immorality against him, by witnesses, they must receive him as their pastor. So that, by this sense, the people had no more interest or concern in the settlement of their pastor, than these of any

other congregation, which is most absurd, and different from the sense of the act 1690.

“ Our noble patriots at the revolution, being sensible of the violent intrusions which had been made upon parishes under prelacy and patronage, they did, in the year 1690, restore presbyterian government, abolish patronages, and put the people’s rights under the guardianship of presbyteries, who then took special care of them according to our known principles, so that their settlements gave general satisfaction. Our judicatories then understood the act 1690, as designed to deliver parishes from the intrusions made upon them under patronages, and to restore them to their primitive liberty, according to the word of God. This is evident from the assembly, 1712, their approving the commission’s address to the queen against patronages, in which are these words,—‘ Whereby your majesty may plainly perceive, the act 1690, abolishing patronages, must be understood to be a part of our presbyterian constitution, secured to us by the treaty of Union, for ever; and that the parliament, 1690, was sincerely desirous only to restore the church to its just and primitive liberty, in calling ministers in a way agreeable to the word of God.’ That this was the sense put upon the act, 1690, appears also by the form of calls then constantly made use of by the church, which is printed in our larger overtures, and runs thus:—‘ We the heritors and elders of the parish of —, have agreed, with the advice and consent of the parishioners, to invite, call,’ &c. &c. No call could then be received, without that clause of the consent of the parishioners. No doubt, the words of the act 1690, might have been perverted to the people’s hurt in some hands, but the church being allowed to explain and execute that act agreeably to their known principles, as they then did, the people continued easy under it, as finding their rights safe, their consent always necessary, and no intrusions made upon them.”*

* Willison’s Fair and Impartial Testimony, &c. &c. pp. 66—68.

The following corroboration of the above, is from the pen of that excellent man, Mr. Thomas Boston, and to this the reader will find subjoined the opinion of the presbytery of Selkirk, of which he was a member:—

There cannot be a doubt that the act of 1690 had been for better than twenty years interpreted as above, and so acted upon, but, for ten or twelve years previous to the period of which we now write, grievous abuses, with the help of pat-

R. D. B.

I had the favour of yours, acquainting me of the meeting of the presbytery at Selkirk, on the last Tuesday of this month; from which meeting my growing indisposition and frailty keeps me. Meanwhile, apprehending that the presbytery will then have under their consideration the act by way of overture, transmitted to presbyteries as to the planting of congregations, 1731, of the which I have by me a just double, I crave leave to declare my mind thereon.

I do believe, as I have done all along from my youth, that the Christian people have, of divine right, the power of choosing their own pastors; and therefore I judge, that it is altogether to be avoided, that any man be thrust violently upon the congregation, or intruded in any of the offices of the kirk, contrary to the will of the congregation, as the book of discipline, and policy of this church do express it. And this being the known principle of this church, I dare not be so unjust, as by offering the reasons thereof, to insinuate, that you, my brethren, are of a contrary mind. But I am fully convinced, that, by the transmitted act aforesaid, the body of the Christian people is robbed of that their sacred right; inasmuch, as thereby the power of electing and calling of ministers is appropriated to heritors, being protestants, and to elders; and in royal burghs, to the magistrates, town council, and kirk session, and is cut off from the rest of the Christian people who are not so dignified; no comparative judgment of candidates, or choice of such, being left to these last, who are, in case they disapprove of the choice made, allowed only to offer their reasons to the presbytery to be judged of by them: by which means they are staked down to the choice made for them, unless they can advance something against the life or doctrine of the called; the which strangers, as well as they of the congregation, have access to. I own there has all along been too much of this in the way of settling ministers in this church; but judge, there is a wide difference betwixt labouring under hardships imposed thro' iniquity of times, making the best of bad, and men's wreathing a yoke about their own necks, binding themselves to an iniquitous way.

This church hath now groaned long under the yoke of patronages: but who can, without breaking sorrow of heart, stand and see the poor remains in that point left her by the laws, disposed of in the house of her friends, in manner proposed by the said act, to the utter enslaving of the body of the Christian people, in that their spiritual concern of calling their ministers? How naked is that quality of heritors being protestants! 'Tis obvious, that under it the people may have men brought in to choose their ministers for them, who are known enemies to the government, both in church and state, are none of our communion, yea, excommunicate for their notorious wickedness, are arians, socinians, deists, and what not, except papists? 'So that I cannot

ronage, had been committed in the very face of that act; and this new act was unquestionably intended to assimilate any little appearance of liberty left in the church to the genius of patronage, which it was evident was soon to be in universal

help thinking, but the method proposed in the foresaid overture, for planting of congregations, hath a native tendency to sap our constitution, break this church in pieces, fill her pulpits with naughty ministers, and to mar the success of the glorious gospel, and ruin the interests of true religion among us. For which causes I declare myself altogether against passing of the said act or overture, into a standing act, and durst not, in presbytery or assembly, vote in favour of it, for a thousand worlds.

I desire and hope, the reverend presbytery will do me, their afflicted brother, not having access to meet with them, the justice to record their receiving of this my letter, and its bearing my not consenting to, but being altogether against, the passing of the said transmitted act or overture, into a standing act.

May the Lord himself countenance your meeting with his own presence, guide you by his Spirit into all truth, and preserve you from every evil thing. I am,

R. D. B. &c. &c.

At Selkirk, May 2, 1732.

The presbytery of Selkirk being, *nemine contradicente*, of opinion, that the overture of the last assembly, concerning the method of planting vacant churches, should not be turned into a standing act, they humbly offer the following reasons of their said opinion:—

First, This overture, to us, seems plainly to suppose, that complete church-members have no divine right, arising out of Christ's testament, to elect and call their own pastors; for, if such a divine right was allowed of, the assembly would not, we humbly conceive, make so homely with it, as to denude the body, and invest some particular members therewith, exclusive of others. Now, considering the mind and practice of the primitive church; the mind of the reformed churches, and of reformed divines of our denomination on this head, the mind of this church, particularly in her books of discipline; but most of all, considering many places of the New Testament itself, we dare not consent to the passing of an act, that will be quite incompatible with the foresaid divine right.

Secondly, The proposing of the person to the whole congregation, to be approved or disapproved by them, is to be done, either because the consent or approbation of the congregation is necessary to make the election good and valid; or else it is to be done merely as a matter of form, without any meaning at all, if it be not to blind and to sooth. If the former was the case, then in all reason the person ought first of all to be proposed to the congregation, that their good or bad liking of him might be known before the heritors and elders went upon electing and calling him. Whereas, according to the overture, the

operation, and was then, as now, considered by the leading managers, as the only sure door of entrance to the benefice, whatever it might be to the affections and to the spiritual edification of the people. But the measure was incautious

man is first to be elected and called, and then afterwards to be proposed to the congregation, to be approved or disapproved by them : which seems to be a little too late : For, *Multa impediunt matrimonium contrahendum, quæ non dirimunt contractum* ; and can mean no more than the serving of his edict afterwards does ; to intimate, namely, that any of them have access to libel him upon his life and doctrine ; which any person out of the congregation, as well as in it, may do at any time afterwards as well as then, according as they find cause.

Thirdly, That heritors and elders must either have this right to elect and call originally and antecedently inherent in them, which the assembly, by their act are only to declare and recognize ; but an original grant of any such right in the sacred records, will not, we imagine, be easily found or produced in their favours ; or else the assembly are by their own proper authority to confer this right upon heritors and elders, exclusive of others ; but such a plenitude of power this does suppose, and must issue from, as we apprehend, is competent to none but our Lord Jesus Christ, the alone King and Head of his church ; and therefore cannot modestly or warrantably be claimed or exercised by any church upon earth whatsoever. The church, we know, is to see that all things appointed by Christ, be done decently and in order ; but she is not at all warranted to institute new things, enact new laws, or confer new rights.

Fourthly, That the civil magistrate, should, for reasons of state, confer exclusive privileges on landed men, is not to be thought strange of ; but that the church should do so too, we reckon, is not only quite without any shadow of warrant in the New Testament ; but, moreover, it seems directly contrary to what we are taught in that passage of the apostle James, about the man with the gold ring, and in goodly apparel, and to several passages of the New Testament ; by an act of assembly, past in Christ's name, to capacitate the worst of men (for such many protestant heritors are) to purchase so valuable a spiritual privilege, as the electing and calling of a gospel minister is, with the mammon of unrighteousness.

Fifthly, That the elders represent the people, as the overture intimates, will easily be found a weak colour and salvo for depriving them of the immediate exercise of their own right ; (for a right of some sort, that very saying supposes them to have.) It will be found a weak salvo, we say, when 'tis considered, that, according to presbyterian principles, ruling elders are church officers of divine institution, as well as preaching elders are ; and consequently the former have no better a right to represent the people, and to act in their name, than the latter have. Subjects would, not without ground, reckon their liberties ruined, if the king's officers should assemble themselves, and under pretence of their being the representatives of the peo-

and premature, there was a spirit abroad which the ruling faction wanted the means to break, and which their attempts to bend ought to have taught them was already far beyond their strength. As an overture and interim act, it had been

ple, should, without being ever commissioned or intrusted by them to that effect, dispose of their rights and liberties as they themselves thought meet. But Christianity is nothing so unfriendly to either people's civil or their sacred liberties, as this would come to:

Sixthly, Supposing with the overture, but not granting, that this affair was not determined in the New Testament, (which many think would be an imputation upon it) and that complete church members had only a natural right in the matter; which in many cases may be limited by the rules of society; yet it does not at all seem proper, even upon that supposition, for church judicatories to take upon them to restrict or enlarge this natural right.

1. Because in all cases where the law of God has left people free, their own consent, either in their own persons, or in their representatives, seems necessary to the limiting and restricting of their natural rights. But in none of our judicatories are the people represented, as was hinted before.

2. Because there will not be wanting people, who will say, that churchmen's meddling with people's natural rights, is popery in miniature, and lording it over God's heritage with a witness; for if churchmen may dispose of or restrict people's natural rights in one instance, why may they not in another? And so we may in time to come, as others before us have done, so limit christians in their eating, drinking, and wearing: For of our encroachments 'tis alleged, when once we have exceeded our proper bounds, there is no end. All that seems competent to church judicatories, with reference to people's natural rights, is, to direct and exhort them to use them in a consistency with the doctrine of God our Saviour, without giving offence, namely, to the glory of God, and to their own and others' edification.

3. Because, (going still upon the supposition of christians' having no other than a natural right to elect and call their own pastors) if that natural right be one of these that may warrantably be limited and restricted by human authority, it seems, in that case, only competent to the magistrate, the legislative we mean, to determine about it; for to them it properly belongs to limit and circumscribe people's natural rights according as they apprehend the good of society requires; and church judicatories cannot meddle in the affair, without a manifest invading of the province of the civil government. And here it imports us seriously to consider how much we may in conscience be obliged, in case Christians have no other than a natural right in the affair under consideration, tamely to submit unto, and quietly to acquiesce in the civil constitutions whatsoever, made, or to be made thereanent, according as they are or come to be in force, without officious mingling ourselves in matters no way belonging to us; and this the more especially, that we may avoid giving any the least shadow or colour of occasion for the invidious reflection cast upon us by the ill-natured world, viz. that we'll be ruled neither

almost every where condemned, and now that it was made a standing law without having gone through the usual forms, and no such thing as dissent or protest being allowed to be entered upon the records of judicatories against it, nothing was left for its opponents, but as occasion offered, to testify against it from the pulpit or the press, which many embraced the earliest opportunity of doing.

Of those who appeared publicly in defence of the liberties of the Scottish church on this trying occasion, the most honourably distinguished was the Rev. Ebenezer Erskine, one of the ministers of Stirling, a man of great natural talents, improved by a liberal education, and upwards of thirty years spent in the faithful discharge of ministerial duties. He was possessed of singular courage, great eloquence, unquestionable piety, and had long been regarded by the better part of the church with particular respect and veneration; and scarcely had the members of assembly reached their respective homes with the report of their proceedings, when, on the evening of the Sabbath, June the fourth, in a sermon from Isaiah ix. 6. he attacked the obnoxious act, with a force of argument that was highly gratifying to its opponents, but peculiarly galling to its abettors, who were every where in the course of a few days, by the loud voice of general report, informed of the circumstance.

Public, however, as this condemnation of the act of assembly was, Mr. Erskine did not think it enough. Having occasion to preach before the synod of Perth and Stirling, on its meeting at Perth, October the tenth, that same year, he delivered himself more at large, and with still greater freedom concerning it. This freedom gave great offence to several

ty man's law, nor by God's law, but will have a way of our own different from them both.

Finally, Passing (for brevity's sake) several lesser things that seem obnoxious in the overture, we apprehend, that the making it a rule, would be exceeding far from making for peace, and from answering the great end of edification; to the attaining of which, all the institutions of Christ, our Lord and Master are calculated, and which ought mainly to be had at heart in the highest, as well as in the lowest of the courts held in his name. Therefore, we are humbly of the mind, since the remedy will for certain be a thousand times worse than the alleged disease, it ought by no means to be turned into a standing act.

of the members of synod, particularly to Mr. Mercer of Aberdalgie, who moved that Mr. Erskine should be censured for his freedom of speech, and admonished to be more cautious for the future. This produced the appointment of a committee to select the offensive passages, which committee, after having done so, appointed a sub-committee to wait upon Mr. Erskine with these passages,* and deal with him

* The following are the remarks made by the committee upon which the judgment of the synod was founded:—"The strain of a good part of the said sermon evidently appears to be, to compare the ministers of this church with the most corrupt teachers under the Old Testament, and in our Saviour's days; in regard, *1mo*, That before he came to declaim upon the particular corruptions and degeneracies of the Jewish priests, he premised this general, as key to all that was to be said on that head, namely, "that he left it to the consciences of every one to judge, what of these corruptions were to be found among ourselves at this day." *2do*, And having charged the Jewish preachers and teachers with very great corruptions, came at length to speak of their corrupt notions of the kingdom of the Messiah; and then subjoined, "that he might be allowed to say, that mistaken notions of the kingdom of Jesus Christ, was the ground of many things that were wrong among us at this day;" which is a further evidence, that, agreeable to the general premises, he intended a comparison all along. *3tio*, Nay, so fond he appeared to aggravate the comparison, that he charges the Jewish teachers, "that they being connected with the great, trampled upon the people, as an unhallowed mob," with an evident design to hold forth what he judges to be the character of the ministers of the church of Scotland at this day; whereas it is evident from the scripture, that the Jewish teachers, scribes and Pharisees, did almost every thing to be seen of men, even of the multitude; as appears from our Saviour's mentioning places of public resort and concourse, when he charges them with these things.

"When he was discoursing on the head anent the builders; after he had told that it was a great crime to intrude into the office without a mission, he said, 'that in order to one's being accounted a builder, there were two things necessary, the call of God, and the call of the church; that they who had not the call of the church should be looked upon as thieves and robbers; and that this call ought not to be by the heritors, or any other set of men, but by the whole church; and refuses that any minister had God's call, who had only a call from the heritors, or any other set of men;' by which he excludes the whole ministers of the church of Scotland, and himself among them, from having the call of God; the body of christians having never been allowed to vote in the election of a minister.

"As a further evidence that he thought a call from the whole of the people absolutely necessary, he alleged, 'that this was a natural right, that every society had, to choose servants for themselves; and that it would be counted

to retract them, which he refusing to do, the whole was laid before the synod. After a debate, continued for three days, the synod, by a plurality of six voices, found the selected passages of Mr. Erskine's sermon censurable, and, accordingly, pronounced sentence that he should be rebuked and admonished at their bar, "and the presbytery of Stirling was instructed to inquire anent his behaviour in time coming at their privy censures, and report to the synod at their next meeting." Against this sentence Mr. Erskine entered his protest, and appealed to the next General Assembly.*

Mr. Alexander Moncrieff, in his own name, and in the

a great bondage and servitude upon any family, if foreigners were to choose servants for them; and that certainly the church had a power of choosing their own ministers, seeing they were the freest society upon earth.'

"After he had spoke of the great encroachments that had been made on Christ's kingly office in the times of popery and prelacy; he said, 'that after the late wonderful revolution, by which our church was delivered, it might have been expected, that this church would have given some testimony against these encroachments; but that he did not remember ever they had made an act, asserting the headship of our Lord Jesus Christ, since the revolution;' by which, at least, he charges our forefathers with a sinful silence or negligence.

"Speaking of the encroachments that had been made upon Christ's kingly office, and the rights of the people since the revolution, he said, 'that a cry had gone up to heaven about these things in the words of the spouse, that the watchmen that went about the city had found her, and taken away her veil from her, and smote her; that the cry came before the bar of the last General Assembly; but that instead of redressing this and other grievances, they increased them, by lodging the power of election in the heritors and elders, excluding the people; whereby Christ was deeply wounded in his members.' He farther added, 'that whatever church authority there was in that act, there was nothing of the authority of the head of the church: that he was sure it had no foundation in scripture, where there was no distinction in spiritual matters made betwixt the rich man with the gold ring and gay clothing, and the poor man.' And he concluded with this, 'that if Christ were personally present, (and I being here, by appointment of the synod, in his stead) I say, were Christ personally present, he would say to you, 'Forasmuch as you have done it to one of those little ones, you have done it to me.'

"In the end of his discourse, he gave this advice to ministers, 'not to be as dumb dogs when their fellow builders go wrong; and though this will offend, yet he said, he behoved to speak.'"

* True State of the Process against Mr. Ebenezer Erskine, &c. Edinburgh, 1733.

name of all that should adhere to him, did also dissent from and protest against the said sentence, to which dissent Mr. Wilson, Mr. Gillespie, Mr. Bowis, Mr. M'Intosh, Baillie Gib, Mr. Coventry, Mr. Brugh, Mr. Halay, Mr. Frier, Mr. Ramsay, Mr. Gow, Mr. Beaton, and Mr. Meik, the moderator, adhered. Mr. Fisher, who, in regard Mr. Erskine was his father-in-law, had been excluded from any vote in the affair, also protested against the foresaid sentence, not only as prejudicial to Mr. Erskine, but as injurious to the truths of God's word, and appealed to the next General Assembly.*

At the last sederunt of this synod, Mr. Moncrieff gave in, for himself and those that adhered to him, reasons of dissent from this decision with regard to Mr. Erskine, which, in consequence of a late act of assembly, they could not enter upon their minutes, but they allowed the same to be kept *in retentis* by their clerk. Mr. Erskine was also at this sederunt called up in order to be rebuked and admonished in terms of his sentence, but he not compearing, they resolved that he should be rebuked at their next meeting in April.

This procedure on the part of the synod could not but be regarded by the greater part of presbyterians as tyrannical and unjust, and it was as impolitic as it was unjust. Nothing seems to have been farther from Mr. Erskine's intention than formally to separate from the church of Scotland. He appears to have had no farther idea in the course he pursued than merely to exonerate his own conscience, by an explicit testimony against what he really believed to be sinful, which, from the closing of the registers of church courts, he could do only from the pulpit, and having once done it fully, he could not have had much temptation to repeat it. Personal pique against Mr. Erskine, and envy of his extensive popularity, were unhappily at the bottom of the whole procedure, which, as it increased that popularity in a tenfold degree, heightened the angry feeling of his opponents, and rendered them incapable of improving the few months that elapsed between the meetings of synod, for taking a more cool and dispassionate view of the subject. Accordingly, when the synod

* True State of the Process, &c. &c.

met in April, we find them in the very same temper, and though the presbytery of Stirling, and the kirk session there, the first by communing with a committee of synod, and the latter by petitioning it, endeavoured to have the matter accommodated, they both endeavoured it to no purpose, the representations of the one being disregarded, and the petition of the other not read. Mr. Erskine being called at this synod, and compearing, when they were going to execute their sentence, only told them, that he adhered to his appeal.*

More eagerly expected, and, in consequence of the above events, looked forward to with more anxiety than any that had sat since the Union, the General Assembly convened at Edinburgh, May third, 1793. The Rev. John Gowdie, one of the ministers of Edinburgh, was chosen moderator, William, marquis of Lothian, being appointed commissioner. His majesty's most gracious letter was, as usual, presented to the assembly, and was answered in common form. On the fifth of May, a complaint was laid before this assembly for Sir John Bruce, and others of the parish of Kinross, against the presbytery of Dunfermline, for refusing to receive and enrol Mr. Robert Stark, minister at Kinross, as a member of presbytery, in obedience to an act of the General Assembly, May 1792, and two several appointments of the commission in November and March last; and a warrant was issued for summoning several brethren, members of that presbytery, with the presbytery clerk, to appear before the assembly on Thursday next, at ten in the forenoon, to give the reasons why they did not obey the said act and appointments, and some ministers, members of the said presbytery, present at the assembly bar, were cited *apud acta* to that diet.

On Thursday, the ministers comprising the presbytery of Dunfermline, answered to their summonses,—two excepted, whose excuses were sustained—and their complaint against the commission of the last assembly, as having no power to meddle in the affair of Mr. Stark's enrolment, being heard, the commission was assoilzied therefrom, and a committee appointed to

* True State of the Process, &c.

commune with these brethren for the purpose of removing their scruples, and to prepare an overture upon the whole affair. This committee brought in their report next day, viz. "That severals of the brethren of that presbytery could not agree to any active enrolment of Mr. Stark, minister of Kinross, as a member of their presbytery." The assembly instantly ordered them to retire, with all their brethren in town, constitute into a presbytery, receive and enrol Mr. Stark as a member, and return a particular report of the behaviour of each member. This being done, and report made, the assembly find the majority of the presbytery to be for enrolling Mr. Stark, and therefore appointed a second meeting of the presbytery to enrol him judicially, and the report to be returned next day. A committee was, in the meantime, named to consider what censure should be inflicted upon the members of that presbytery. Next day, this committee returned their report by the presbytery of Dunfermline, a paper was also given in by the reclaiming members of that presbytery, and the whole was delayed till the following Monday.

On Monday, the assembly passed an "Act, Concerning some of the ministers of Dunfermline, and for preserving the subordination of the judicatories of the church, and good order therein," to the following effect:—"The General Assembly having fully and maturely considered the disobedience of Mr. James Wardlaw, and Mr. Ralph Erskine, at Dunfermline; Mr. John Gib, at Cleish; Mr. Daniel Hunter, at Carnock; Mr. John Geddes, at Culross; and Mr. Thomas Mair, at Orwal, ministers of the gospel, members of the presbytery of Dunfermline, to the act of the General Assembly, dated the 12th day of May, one thousand seven hundred and thirty-two, and several acts of the commission of the said assembly, appointing the said presbytery to enrol Mr. Robert Stark, minister of Kinross, as a member thereof, and the behaviour and conduct of the said ministers before this assembly, during their procedure on the said affair, do judge it highly contrary to, and utterly inconsistent with the subordination of judicatories happily established among us, and the duty they owe to the said judicatories, which they had engaged to perform at their ordination, and therefore deserving the highest censures. Yet the assembly inclining to show all

tenderness towards the said brethren, they appoint them to be sharply rebuked in their presence, and appoint and command them to own Mr. Robert Stark as minister of the gospel at Kinross, to encourage and strengthen his hands in the Lord's work in the said parish, and to discourage all separation from, and non-subjection to his ministry. And the assembly do hereby strictly inhibit and discharge the said brethren from admitting any of the parish of Kinross to sealing ordinances, without the consent of Mr. Robert Stark, according to the 12th paragraph of the act of assembly, February 7th, 1645. And further, the assembly do hereby strictly discharge the offering, admitting or receiving any protest or dissent by any member of the said presbytery, or other person whatsoever, against the said Mr. Stark's sitting and acting in the presbytery of Dunfermline as a member thereof, and minister of Kinross. And they empower the commission to be appointed by them, to summon before them any person or persons who shall offer any such protest or dissent, and also the said presbytery, if they shall receive or admit the same, and censure the said persons or presbytery as they shall see cause. And in regard, severals within the bounds of the said presbytery do withdraw from the ministry of their respective pastors, therefore, the assembly does hereby enjoin the observation of the act of assembly, dated the 24th day of August, 1647, against such as withdraw themselves from the public worship in their own congregations, and ordains the foresaid paragraph of the act 1645, and the said act 1647, to be publicly intimated by the ministers of the presbytery of Dunfermline, from their respective pulpits on any Lord's day of June next, with suitable exhortations. And the assembly appoints the saids ministers to appear before the commission to meet in August next, and report their obedience to this whole act and appointment. And appoints and requires the said commission, in case of disobedience or nonappearance, to proceed to the highest censures if they see occasion for it then, or any subsequent diet or meeting of the commission.

“ And because the brethren within the bounds of the presbytery of Dunfermline, who have done their duty in obeying the appointment of the assembly, may be in hazard of being discouraged in the exercise of their ministry, by persons of a

schismatical and divisive temper, notwithstanding of what is contained in this present act; therefore, the assembly considering that these brethren deserve all encouragement, do enjoin the commission to receive any complaint that may be offered by any of these brethren, and to judge and censure as they see cause, any minister, or ministers, or others who shall give them disturbance or discouragement in their work. And appoints this act to be read in the first meeting of the presbytery of Dunfermline, and recorded in their register, and that this act be printed and published among the other acts of assembly.”*

This was certainly straining church authority to a very high pitch, and, as this affair was purposely carried through before entering upon the case of Mr. Erskine, gave too good grounds for every one to foresee, that wherever his wrongs might be redressed, it was not to be at the bar of this assembly—nor can there be a doubt that the assembly meant, by the singular boldness and severity of their sentence, to strike terror into the hearts of many of the more timid of those who heartily approved of what he had said, and wished him a safe deliverance upon the question. Perhaps, he himself was not without painful misgivings, when he looked at the current of authority thus rolling resistlessly along, but he had fairly committed himself, and neither honour nor conscience would allow him to desert the station in which, in the exercise of his duty, he had come to be placed, though darkness for the time might cover it, and danger on every hand seem to surround it. His appeal to the assembly, he supported by the few following reasons, which, whether we consider their pointed bearing upon the subject, the piety that runs through them, or the noble spirit of independent feeling which they breathe, are alike admirable.

“ Mr. Erskine, according to course, having preached at the opening of the synod at Perth, October the tenth, one thousand seven hundred and thirty-two, from Psal. cxviii. ‘The stone which the builders rejected, the same is made the head stone of the corner.’ He, according to the purpose of the text, could not shun to lay open the corruptions of the Jewish builders as lessons to the present generation, that they might

* *Vide* Printed and Unprinted Acts of Assembly, 1733.

not dash upon the same church-ruining rock, which he did, without stating a comparison betwixt them and any set of men in the world. And being, quite contrary to his inclination, put in the chair at Stirling, and therefore obliged to preach before the synod at Perth, he found himself under a necessity, by virtue of his commission from God, and in an agreeableness to the commendable acts and constitutions of this church in former times, to be free and faithful in declaring what he looked upon as a departure from the corner stone, whereby any other church, as well as that of the Jews, might be in danger of ruin from the Lord, and this method he judged to be his safety before God, his own conscience, and all unbiassed persons. But, to his great surprise, the same day, at the opening of the afternoon's meeting, as though he had vented some notorious heresy, his sermon is attacked, a committee appointed to take the same to consideration, and report to the next sederunt, which accordingly was done, and after long debates till the third day of the synod's meeting, about ten at night the question was put, If, or not, Mr. Erskine is censurable on the account of the expressions he emitted in his sermon? When it carried by a scrimp majority, censurable.

"It is with no small concern that I must appear at the bar of the venerable assembly, as an appellant from the sentence of the reverend synod, whereof I am a member; yet it is a considerable alleviation, that twelve of my reverend brethren, and two ruling elders, were so much convinced of the injustice done me, as to dissent from the deed of the synod, against which I found myself obliged to protest, and flee to the venerable assembly for redress of the injustice I humbly conceive is done me, before whom I lay my following reasons of appeal:—

"*1mo.* Although the appellant gave no occasion of irritation to any member of the synod during the three days' debate, yet he found the spirits of the prevailing party of his judges so biassed and imbittered, that he did not think men of their present temper capable of judging impartially in his cause. They knew very well I was a stranger lately come within their bounds, which, according to the rules both of natural and revealed religion, bound them to humanity and

civility—especially when standing upon the matter as a pannel at their bar, willing to submit to any censure clearly founded on the word of God, or the rules of this church. But such hard names and speeches were past in the course of reasoning, as plainly discovered a bias and ferment; and that not against me only, but against the grave and honourable audience before whom I had preached. But I forbear to be more particular, unless I be obliged to it, before the bar of this assembly. I shall only add as an evidence of the keenness of their spirits, that they were going on, as is plain from the minutes, to judge the appellant censurable before ever they allowed him to see or hear a material libel they had formed against him, and this favour was not allowed him, when he demanded it, without a great struggle, and the solemnity of a vote; and when the favour was granted, all that was allowed was only to see the remarks in the clerk's hands, and no more time for forming answers to their long paper, than from Wednesday at eleven or twelve at night, till ten of the clock on Thursday. And when the precise hour was come, one message is sent me after another, to attend the synod, though they wanted not other business, the minutes of the last synod not being all this time entered upon, so hot and fiery were they in this chase.

“*2do.* This method of procedure has an evident tendency to gag and shut the mouths of such as God has ordered to ‘cry aloud and not spare; to lift up their voice like a trumpet, and to tell the house of Judah and Israel their transgressions.’ Ministers are ambassadors for Christ, and are obliged to bespeak their hearers with as great freedom as though Christ were personally present, or speaking with an audible voice from heaven, 2 Cor. v. 20. Heb. xii. 25. And if he deliver nothing but the truth of God, he is to charge them, in the name of the great God, to make application. But here I am judicially sisted before the bar of the synod, for desiring every one of my hearers to judge whether any of the sins and corruptions of the Jewish builders were to be found in the day wherein we live; which method, in my opinion, smells of the spirit of those who required the prophets to preach smooth things, and prophesy deceits. A watchman must exoner himself upon the peril of his soul. ’Tis true, he ought not

knowingly to sound a false alarm. But whether is it safer for the city to have a false alarm sounded upon an apprehended danger, or to have the mouth of the watchman stopt, that he cannot sound an alarm when the danger is real, and the city falling into the hands of the enemy.

“ 3^{to}. The reverend synod judge the appellant censurable for his expressions, without condescending upon any part of the word of God, standards of doctrine, or what branch of the government of the church he had receded from, as is evident from the paper of remarks itself. Yea, so far were they from pretending that he had departed from the standards of the church, that when a brother, in the course of reasoning, had asserted ‘that the appellant had departed from the standards of the church, the synod allowed him, to wit, the appellant, to protest against that brother, that he should be obliged to make good his charge, and accordingly the said brother was called to the bar, and the appellant allowed to insist by his proxy against him, until he had satisfied for the offence, which the synod would never have done, if they thought that Mr. Erskine had emitted any thing inconsistent with the word of God, or our approven standards. Yea, though Mr. Erskine frequently insisted, in open synod, that they should condescend upon the errors he had vented, or the articles of our standards he had departed from; yet this was never done, as appears from the extract of the synod’s procedure. And I submit it to the venerable assembly, to judge if it is just and equal dealing to condemn any man *in cumulo*, without shewing the particular rules which he has transgressed. ’Tis true, it was cast up in the course of reasoning, that the appellant had transgressed the law of love and charity, by taking notice of some of the particular evils of the day. But this is a very unjust allegiance, if it be considered that a minister of Christ discovers the greatest love to his own soul, and to the generation, when he gives faithful warning from God, that people may not rush upon God’s neck, and the thick bosses of his buckler.

“ 4^{to}. What is above advanced will be yet more clear, if it be considered, that when my expressions are viewed abstractly from the committee’s remarks and inferences, which the synod disowned as none of theirs, they appear to be inoffensive even.

as the committee states them; but when viewed as stated in my written defence, or as they stood in the delivery, they are not only inoffensive, but either scriptural or natively founded on scripture. For instance, *1mo.* When speaking of the corruptions of the Jewish church, what was there criminal in leaving it to hearers to judge whether any such corruptions were to be found in our day? Yet this is adduced as a proof that I run the parallel between the corrupt teachers of the Jewish, and the present ministry of the church of Scotland, though it be declared in my written defence, that I know there is a body of faithful ministers in this church, with whom I do not reckon myself worthy to be compared. I was far from making such an application of my text to the synod of Perth, as Peter did to the Jewish Sanhedrim, Acts iv. "The stone which is rejected by you builders, the same is become the head stone of the corner." *2do.* Another of my expressions was, "That mistaken notions of the kingdom of Christ lie at the bottom of many things wrong in our day." And is this censurable? when we find the disciples themselves in the mist about Christ's kingdom, and falling into mistakes from this principle. *3do.* Am I censurable for saying, "That the Jewish builders trampled upon the people who attended Christ's ministry as an unhallowed mob?" when 'tis plain from the scripture I adduced, they pronounce an anathema against them, saying, 'that this people who know not the law are accursed.' I hope the reverend synod will never justify them in this matter. *4to.* I am quarrelled for saying, as it is stated in the Remarks, "That they who come into the ministry without the call of the church, are but thieves and robbers." But let the whole period be put together, as I uttered it, and as it is exprest in my written defence, and I believe it will abide the touchstone. *5to.* Of the same nature is the next expression, to wit, That it is the natural right of every family, or society of men, to choose their own servants or stewards, &c. as in my paper of defence, to which I refer. *6to.* Was it a thing criminal or censurable in me, to say that I did not remember of any particular act since the revolution, asserting the headship of Christ in opposition to the innovations and encroachments that were made upon it in the times of persecution and tyranny? I do not deny but the headship

of Christ is asserted in our Confession of Faith, and *en passant*, in some other acts of assembly; but these, I humbly conceive, were not acts *apropos*, and did not answer the design in opposition to the open indignities and affronts done to the sovereignty of the Son of God over his church, in these times, when the crown was sacrilegiously taken off his head, and set upon the head of a persecuting apostate. The parliament of England and Scotland, at the restoration of king Charles, judged it necessary to assert his right and prerogative, in opposition to the usurpations of Oliver Cromwell, by particular and express acts. And had not our assemblies much more reason to assert the prerogative and headship of our dear Redeemer, in opposition to the sacrilegious usurpations of king Charles, who, by act of parliament, had been declared supreme head, not only of all causes civil, but ecclesiastic, and thereupon the oath of supremacy imposed and taken?

5th. "As to the expressions I emitted in relation to the act of assembly, 1732, which the synod find fault with, as I said in my answers, I cannot, nor dare not retract my testimony against the said act; and that, 1mo. Because the synod, according to the method of their procedure against me, seemed to look upon this act as a term of ministerial communion, which it can by no means be, in regard it had no being when the appellant, or any other minister admitted to the ministry before its enactment, were ordained; and if this act be a term of ministerial communion, why not other acts? and so we shall have as many terms of communion, as there are acts of assembly.

"There is no act of assembly declaring this present act a part of our standards, or declaring it unlawful for ministers to preach against it. Our form of church government is no doubt a badge of distinction between our church and episcopacy or independency, to which form I adhere; but to imagine all acts of assembly to be standards of discipline, is to enslave our consciences to the humours or rash decisions of men, who sometimes, as in the present case, outwearied with contentious debates, seem to agree to regulations contrary to the mind of their constituents, and the deliberate opinion of the diffused church, given in by their instructions to the assembly. It is alleged, that by subscribing the formula, I am engaged not to

preach against any act of assembly; but this can have no manner of weight, in regard it cannot be supposed that any thinking man ever engaged to be subject (as was said) to all acts of assembly that might take place after his subscription, unless they were agreeable unto, and founded upon the word of God; for this were to take it for granted that the church is infallible, and were a binding the consciences of men to an implicit obedience, which I am very sure was never the intendment of our engagements by the formula. Our subjection to judicatories is only in the Lord, from which no argument can be drawn for a sinful silence as to acts and constitutions, which seem to us to be against Christ's interests and authority over his church. This will be further evident, if it be considered, *2do*. That this act, for preaching against which I am quarrelled by the synod, appears to me not only to have no warrant from the authority of the great Head and King of the church, but is inconsistent with the method of elections in the apostolical church, recorded Acts i. vi. and xiv. chapters inconsistent with the power and talent of trying the spirits of true and false prophets, and of discerning the voice of the shepherd, given by Christ, not simply to the wise, and noble, and mighty, but even to the poor of this world, whom he hath generally chosen rich in faith, and heirs of the kingdom; inconsistent with that impartiality which the Lord requires of his ministers and courts in the affairs of his kingdom, where the rich man, or the man with the gay clothing, hath no manner of precedency to the poor man, or him with the vile raiment, James ii. at the beginning. What a dangerous thing is it for any church to cast out, or to cast off any of the Lord's little ones, and give their rights and privileges to the world's great ones as such? In fine, I think it inconsistent with the principles and practice of the best reformed churches, declared in their public confessions of faith, and particularly with the known principles of this church since the Reformation, and asserted in her books of discipline, which we are bound by solemn covenant to maintain. I shall only add, I am firmly persuaded, if a timely remedy be not provided, this act will very soon terminate in the utter ruin of a faithful ministry in the church of Scotland; in regard, that the power of electing ministers is thereby lodged in the hands of a set of men,

who are generally disaffected to the power of godliness, and avowed enemies to the doctrine, discipline, and worship of the church of Scotland, as well as professed enemies to the government of our sovereign king George, and the succession in his family.

“For all which reasons, it is expected, from the equity of the venerable assembly, that they will reverse the sentence of the synod, and declare I am not censurable for any of these expressions quarrelled in my sermon.—Ebenezer Erskine.”*

To the above appeal, the Rev. Mr. James Fisher also signed his name, as adhering. But besides adhering to the above, he also gave in additional reasons for appealing from the sentence, which included among others the following pointed paragraph:—“*4to.* The only ground upon which Mr. Erskine could be found censurable, with any show of reason, was his speaking against the act of assembly, 1732; but I beg leave to say, that the reverend synod did considerable injury to truth, and to our constitution founded thereon, when they judged Mr. Erskine censurable on that score. For, *1mo.* They hereby declare Mr. Erskine censurable for speaking against a human constitution, which was never pretended, even by the patrons of it, to have the least shadow of a warrant from the word of God, but is plainly contrary thereto, as appears by all the arguments quoted by Mr. Erskine in his last reason of appeal, which have been enlarged upon with great evidence by most eminent hands, both ancient and modern, and were never called in question by any of this church till of late. *2do.* By this sentence of the synod, finding Mr. Erskine censurable for speaking against an act which is not pretended to be founded on the word of God, it is impossible for any man to subscribe the Confession of Faith with a safe conscience. For, chap. xxvi. sect. 3. we subscribe our belief of this proposition, That the decrees and determinations of synods and councils, (N. B.) if consonant to the word of God, are to be received with reverence and submission; from whence it undeniably follows, that if these decrees are not consonant to the word, they are not to be received or submitted unto, as is plain from the next paragraph of the

* True State of the Process, &c. pp. 36—45.

said chapter of the Confession, ‘ All synods and councils since the apostles’ times, whether general or particular, may err, and many have erred, therefore they are not to be made the rule of faith or practice.’ If it be said that acts of assembly are standards of discipline, in the same manner as the Confession of Faith is of doctrine, I hope it will be considered that when we subscribe the Confession of Faith, we subscribe our belief of every article of it as an article of our faith, clearly founded upon the word of God. But I suppose none will pretend to believe that every act of assembly is an infallible standard of discipline, else why were there so many former acts of assembly reversed? And why such a number of instructions from presbyteries, that this present act should not have the force of a law, even when it had the sanction of the assembly for a year? And it is more than probable, that instructions will be renewed for repealing of it, all which would be absurd if it were a standard of discipline, in the same manner as the Confession is of doctrine.”*

Reasons of dissent were also lodged by Mr. Alexander Moncrief, and the ministers and elders we have already enumerated as adhering to him, fraught with the most cogent arguments, though couched in the modest form of supplication rather than assertion; but they had all one fate, that is, not one of them received the least attention; further than being considered great aggravations of the original offence.

On the seventh of May, the appeal of Mr. Erskine was remitted to the committee for overtures, that they might make preparation for facilitating the assembly’s procedure therein. On the ninth the assembly resolved to take it up, after having settled the business with the presbytery of Dunfermline, respecting the intruder upon the parish of Kinross. On the fourteenth they approved the proceedings of the synod, and to terminate the process, appointed Mr. Erskine to be rebuked and admonished by the moderator at their own bar, which was done accordingly. Mr. Erskine, however, declared that he could not submit to the rebuke and admonition, and gave in a protest for himself, Mr. Wilson, Mr. Moncrief, and Mr.

* True State of the Process, &c. pp. 45, 50.

Fisher,—all of whom wished to be heard on their reasons of appeal, but were refused, Mr. Moncrief and Mr. Wilson immediately by the assembly, and Mr. Fisher by the committee of bills refusing to transmit his reasons—which were left upon the table of the house, and next day the assembly gave the following deliverance upon the whole matter.

“The General Assembly having at a former diet considered an appeal entered by Mr. Ebenezer Erskine, minister at Stirling, from a sentence of the synod of Perth and Stirling, wherein the said synod had found ground to censure him, and appointed him to be rebuked on account of several indecent expressions uttered by him in a sermon preached before the said synod in October last, tending to disquiet the peace of this church, and impugning several acts of assembly, and proceedings of the church judicatories, and had appointed him to behave orderly for the future. The assembly found these expressions vented by Mr. Erskine, and contained in the minutes of the foresaid synod's proceedings, with the answers thereto made by him to be offensive, and to tend to disturb the peace and good order of this church. Therefore, they approved the proceedings of the synod, and appointed him to be rebuked and admonished by the moderator at their own bar, in order to terminate the process, which was done accordingly. But the foresaid Mr. Ebenezer Erskine, together with Mr. William Wilson, minister at Perth, Mr. Alexander Moncrief, minister at Abernethy, and Mr. James Fisher, minister at Kinclaven, gave in a paper at the assembly's bar, subscribed by them, craving and protesting that the same might be read and recorded in the minutes of the assembly, but the assembly having represented to them the irregularity and danger of such a practice, and desired them to withdraw their paper and protest, and they refusing to do it, and withdrawing, they were cited to the next diet, and a committee was appointed to consider the paper, and their conduct in this affair, and to bring in by an overture what might be fit for the assembly to do upon the whole affair. This day the said four brethren having compeared the assembly to show all tenderness towards them, appointed a committee to confer with them, and endeavour to persuade them

to withdraw their paper and protest, and submit themselves to the assembly, who having retired, did return, and showed that these four brethren continued fully resolved to adhere to their said paper and protest. Then the committee reported that they had considered the paper given in by the foresaid brethren the last night, and the whole of their conduct. The said paper being produced, was read, the tenor whereof follows:—

“ Protest by Mr. Ebenezer Erskine and others, given in to the assembly, 1733.

“ Although I have a very great and dutiful regard to the judicatures of this church, to whom I own subjection in the Lord, yet in respect the assembly have found me censurable, and have tendered a rebuke and admonition to me for things I conceive agreeable unto, and founded upon the word of God and our approven standards, I find myself obliged to protest against the foresaid censure, as importing that I have in my doctrine at the opening of the synod of Perth, October last, departed from the word of God and the foresaid standards, and that I shall be at liberty to preach the same truths of God, and to testify against the same or like defections of this church, upon all proper occasions. And I do hereby adhere unto the testimonies I have formerly emitted against the act of assembly, 1732, whether in the protest entered against it in open assembly, or yet in my synodical sermon, craving this, my protest and declaration, be insert in the records of assembly, and that I be allowed extracts thereof, Ebenezer Erskine.

“ We, under subscribing ministers, dissenters from the sentence of the synod of Perth and Stirling, do hereby adhere to the above protestation and declaration, containing a testimony against the act of assembly, 1732, and asserting our privilege and duty to testify publicly against the same or like defections, upon all proper occasions, William Wilson, Alexander Moncrief.

“ I, Mr. James Fisher, minister at Kincleaven, appellant against the sentence of the synod of Perth in this question, although the committee of bills did not think fit to transmit my reasons of appeal, find myself obliged to adhere unto the foresaid protestation and declaration, James Fisher.

“The committee offered their overture upon the whole affair, which being read and considered, the assembly, by a very great majority, enacted as follows:—

“The General Assembly ordains that the four brethren aforesaid, appear before the commission in August next, and then show their sorrow for their conduct and misbehaviour in offering to protest, and in giving in to this assembly the paper by them subscribed, and that they then retract the same. And in case they do not appear before the said commission in August, and then show their sorrow, and retract as said is, the commission is hereby empowered and appointed to suspend the saids brethren, or such of them as shall not obey, from the exercise of their ministry. And farther, in case the saids brethren shall be suspended by the said commission, and that they shall act contrary to the said sentence of suspension, the commission is hereby empowered and appointed, at their meeting in November, or any subsequent meeting, to proceed to an higher censure against the saids four brethren, or such of them as shall continue to offend by transgressing this act. And the General Assembly do appoint the several presbyteries of which the said brethren are members, to report to the commission in August, and subsequent meetings of it, their conduct and behaviour with respect to this act.”*

Upon this sentence being intimated to them, the said four brethren offered to read the following as their joint speech. “In regard, the venerable assembly have come to a positive sentence, without hearing our defences, and have appointed the commission to execute the sentence in August, in case we do not retract what we have done, we cannot but complain of this uncommon procedure, and declare that we are not at liberty to take this affair to an *Avisandum*.” The assembly, however, would not give them a hearing, and they left their paper on the table under form of instrument.†

This assembly, which was the same day dissolved with the usual forms, still stands distinguished for having by rash and violent stretches of power, inflicted a wound upon the church of Scot-

* Printed and Unprinted Acts of Assembly, 1733.

† Present Truth, or a Display of the Secession Testimony, vol. i. p. 30.

land, which no succeeding assembly has had the wisdom or the will to heal, a wound which haughty churchmen have often affected to treat as insignificant, but which has been deepening and widening ever since, and a wound, the final issue of which, the most profound mind, even yet, dare scarcely venture to predict, though the probability is, that it will reduce her to the alternative, if she has an alternative left, of adopting plain and honest reform, or submitting to direct and remediless ruin.

By this conduct on the part of the assembly, a deep and an universal sensation was excited in every corner of the country, and when the four brethren, as they were called, appeared before the commission in the month of August, numerous representations from various quarters were presented in their behalf, stating the evils that were likely to result from persevering in the measures that had been adopted towards them, and recommending caution and delay as the only means whereby matters might be accommodated, and the peace of the church preserved. "Mr. Erskine's character," say the presbytery of Stirling in their representation, "is so established amongst the body of professors of this part of the church, that we believe even the authority of an assembly condemning him, cannot lessen it, yea, the condemnation itself, in the present case, will tend to heighten it, and in his case, should the sentence be execute, most lamentable consequences would ensue, and most melancholy divisions will be encreased, the success of the gospel in our bounds hindered, reproach, clamour, and noise take place, our congregations torn in pieces, ministers of Christ deserted and misrepresented, and our enemies rejoicing over us." The kirk session of Stirling make the very same observations, which are still farther confirmed by the town council. "We beg leave," say they, "briefly to represent, That Mr. Erskine was settled as an additional minister amongst us, for the greater edification of the place, and that with no small trouble and expense; that we have always lived in good friendship with him, after now two full years' acquaintance; that we find him to be a man of a peaceable disposition of mind, and of a religious walk and conversation, and to be every way fitted and qualified for discharging the office of the ministry amongst us, and that he has accordingly discharged the same to our great satisfaction; that there-

fore our being deprived of his ministerial performances, must undoubtedly be very moving and afflictive to us, and that the putting the foresaid act [the act of suspension] to execution, we are afraid will in all likelihood be attended with very lamentable circumstances, confusions and disorders too numerous and tedious to be here rehearsed, and that not only in this place in particular, but also in the church in general.”* The kirk session, and the town council of Perth, presented each a representation in favour of Mr. William Wilson, as did the presbyteries of Dunblaine and Ellon, praying the commission to wait at least for the instructions of another assembly. But the commission, full of the spirit of the assembly that had appointed it, was deaf to all admonition, refusing to read, or allow any of these representations to be read, with the exception of a small portion of that from the presbytery of Stirling.†

Two pretty full representations were prepared for the commission by the brethren themselves, one by Messrs. Erskine and Fisher, as appellants from the sentence of the synod of Perth and Stirling, and another by Messrs. Wilson and Moncrief, as protestors against that sentence, both of which they gave in under form of instrument, insisting upon it as their right to choose the way of making their defences, which was by writing. Mr. Erskine was with much difficulty allowed to read his, but Messrs. Wilson and Moncrief could not obtain the like indulgence, so they delivered it, as to substance, in speeches at the bar. These representations were for substance nearly the same as some of their previous papers which we have already laid before the reader, but they were extended, and contained protestations against any censure that might be inflicted upon them, on account of their inability to recede from the protest which they had given in to the late assembly, and against any intrusions that might be made upon their ministerial labours, or upon their congregations, in consequence of such a censure. And, in regard they were not convicted of departing from any of the received principles of the church of Scotland, or of counteracting their ordination vows and engagements, they protested that it

* Representation of Ebenezer Erskine, &c. pp. 73, 74.

† Ibid.

should be lawful and warrantable for them to exercise their ministry as hitherto they had done, and that they should not be chargeable with any of the lamentable effects that might follow upon the course taken with them.

The commission, however, suspended them from the exercise of the ministerial function in all its parts, whereupon they gave in the following protestation:—"We hereby adhere to the protestations taken by us before this court for ourselves, and in name of all the ministers, elders, and members of the church of Scotland, and of all and every one of our respective congregations adhering to us, bearing that this sentence is in itself null and void, and that it shall be lawful for us to exercise our ministry as hitherto we have done, and as if no such censure had been inflicted—and that if in consequence of this sentence, any minister, or probationer, shall exercise any part of our pastoral work, the same shall be held and reputed as a violent intrusion upon our ministerial labours. And we do hereby protest for extracts of the papers given in by us, and of the whole of the commission's procedure against us—and hereupon we take instruments. Ebenezer Erskine, William Wilson, Alexander Moncrief, James Fisher." Several elders from their respective sessions also gave in protestations against the sentence, testifying their adherence to their ministers.

To this sentence of suspension, neither Mr. Erskine nor his adherents paid the least regard, and when they were brought before the commission in November, and interrogated with respect to the obedience they had paid to the sentence of the commission in August last, each declared for himself that he had exercised all the parts of his ministerial office, as if no such censure had been passed upon him. Applications in their behalf were still more numerous to this meeting of the commission than they had been to the last, and they had the advantage of those that had been made to the last in that they were read, but they were equally ineffective as those that had preceded them. Though delay was urged by all these representations, and many of the members of the commission were anxious to comply with the prayer of them, it carried by the casting vote of the moderator, the Rev. Mr. Gowdie of Edin-

burgh, to proceed immediately to inflict a higher censure upon the four suspended ministers, which was done on the 16th of November, 1733, to the following effect:—
 “The commission of the General Assembly did, and hereby do loose the relation of Mr. Ebenezer Erskine, minister at Stirling, Mr. William Wilson, minister at Perth, Mr. Alexander Moncrief, minister at Abernethy, and Mr. James Fisher, minister at Kinclaven, to their said respective charges, and do declare them no longer ministers of this church. And do hereby prohibit all ministers of this church to employ them, or any of them, in any ministerial function. And the commission do declare the churches of the said Mr. Erskine, Mr. Wilson, Mr. Moncrief, and Mr. Fisher, vacant, from and after the date of this sentence. And appoints that letters from the moderator, and extracts of this sentence be sent to the several presbyteries, within whose bounds the said ministers have had their charges, appointing them, as they are hereby appointed, to cause intimate this sentence in the fore-said several churches any time betwixt and the first of January next. And also that notice be sent by letters from the moderator of this commission to the magistrates of Perth and Stirling, to the sheriff, principal of Perth, and Baillie of the regality of Abernethy.”

On this sentence being intimated to the four brethren, they read the following protestation, which they afterward gave in to the clerk, with instruments taken thereupon by every one of them:—
 “We hereby adhere to the protestation formerly entered before this court, both at their last meeting in August, and when we appeared before this meeting. And further, we do protest in our own name, and in name of all and every one in our respective congregations adhering to us, that notwithstanding of this sentence passed against us, our pastoral relation shall be held, and reputed firm and valid. And, likewise, we protest, that notwithstanding of our being cast out from ministerial communion with the established church of Scotland, we still hold communion with all and every one who desire with us to adhere to the principles of the true presbyterian covenanted church of Scotland, in her doctrine, worship, government, and discipline, and particularly with all who are groaning under

the evils, and who are affected with the grievances we have been complaining of, and who are in their several spheres wrestling against the same. But in regard the prevailing party in this established church, who have now cast us out from ministerial communion with them, are carrying on a course of defection from our reformed and covenanted principles, and particularly are suppressing ministerial freedom and faithfulness, in testifying against the present backslidings of the church, and inflicting censures upon ministers for witnessing by protestations, and otherwise, against the same. Therefore, we do, for these and many other weighty reasons to be laid open in due time, protest that we are obliged to make a secession from them, and that we can have no ministerial communion with them, till they see their sins and mistakes, and amend them; and in like manner we do protest that it shall be lawful and warrantable for us to exercise the keys of doctrine, discipline, and government, according to the word of God, and Confession of Faith, and the principles and constitutions of the covenanted church of Scotland, as if no such censure had been passed upon us, upon all which we take instruments. And we hereby appeal to the first free, faithful, and reforming General Assembly of the church of Scotland," &c. &c.

A protestation was also taken against the sentence by the venerable Gabriel Wilson,* minister of Maxton, which was adhered to by Ralph Erskine, minister at Dunfermline, Thomas Mair, minister at Orwell, John Maclarine, minister in Edinburgh, Jo. Currie, minister at Kinglassie, Ja. Wardlaw, min-

* This protest ran in the following words:—"I, Mr. Gabriel Wilson, minister at Maxton, do hereby, in mine own name, and in the name of all those that shall adhere to me, protest against this sentence of the commission, in the case of the four brethren; and that it may be lawful for me to complain of the said sentence, and of the several acts of assembly that have occasioned the same, to any subsequent assembly of the church of Scotland. As also, that it may be lawful for me, in a becoming manner, on all proper occasions, to bear testimony against the same, with all other defections and severities of this church in her sentences. And finally, that I may in the meantime, as in providence I shall find opportunity, hold ministerial communion with my said dear brethren, as if no such sentence had been past against them. Upon all which, I take instruments in the clerk's hands.

GAB. WILSON."

ister at Dunfermline, Tho. Nairn, minister at Abbotshall. Of these, the two first and the last soon after joined the secession. Mr. Maclarine died in the month of June, 1734. Mr. Wardlaw, we suppose, also died shortly after this his public appearance in behalf of his brethren. Mr. Currie lived to be the most bitter enemy that has yet appeared against the seceders, wrote repeatedly against them, and was most learnedly and solidly answered by Mr. William Wilson of Perth. Mr. Gabriel Wilson, soon after this, wearied out with the contentious chicanery of church courts, withdrew from them altogether, having, along with Mr. Henry Davidson of Gala-shiels, an able and pious minister, formed at Maxton a church upon the independent plan, consisting of about twenty-four members, who regularly assembled upon the Sabbath evenings after the congregation in the parish church was dismissed, for he regularly preached to his parishioners, baptized their children, and visited and catechised their families, but did not dispense to them the ordinance of the supper. Whether it was from prudence, friendship, or indifference, has not been said, but so it was, Mr. Wilson continued in this practice, as did also his friend Henry Davidson, unmolested till his dying day. He died in the beginning of the year 1750.

END OF VOLUME FIRST.

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